

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**November 13, 2018 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Tuesday, November 13, 2018 at 9:00 a.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

Commissioners present were Chairman Larry Chapman, Jason Chappell, Mike Hawkins, Vice-Chairwoman Page Lemel and Kelvin Phillips. Also present were County Manager Jaime Laughter, County Attorney, 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 declared a quorum was present and called the meeting to order at 9:03 a.m.

**WELCOME**

Chairman Chapman welcomed everyone to the meeting and thanked the members of the public for participating in their local government. He introduced Commissioners and staff in attendance.

**PUBLIC HEARING**

TELECOMMUNICATIONS TOWER PERMIT APPLICATION VARIANCE REQUEST

County Planner Joy Fields presented information for the purpose of the public hearing. US Cellular submitted a Telecommunications Tower Permit Application to the Planning and Community Development department in August 2018. Their permit application did not fully meet the requirements of the Telecommunications Tower Ordinance. The missing documents are related to environmental impacts to ensure that historical resources and endangered plants and animals will not be negatively affected by the proposed development. It is typical that when tower applications are submitted, the environmental documents follow at a later date. The Planning Board has approved previous applications that met the requirements of the ordinance contingent upon receipt of complete environmental documents showing no detrimental impact to endangered species or historical resources of Transylvania County.

Ms. Fields pointed out that US Cellular's application is slightly different. In October, the Planning Board reviewed and considered their application. The Planning Board found that the proposed tower is less than ½ mile from existing towers and less than 100 ft. below the elevation of a protected mountain ridge. Because the application does not meet the two requirements of the ordinance, the Planning Board recommended that the Board of Commissioners approve a variance request to replace an existing tower with a cell tower, subject to receiving the completed application and environmental documents, and only if an agreement and workable lease cannot be obtained to allow colocation on the neighboring Fox News Tower.

The Fox News Tower is the tallest tower in Transylvania County. It is located within ½ mile of the proposed location of a new monopole by US Cellular. The applicant shared email correspondence with Ms. Fields that is between the applicant and Fox News Tower dating back to February 2018. The emails

indicated the cost for collocating on the Fox News Tower was above the industry norm. The applicant provided Ms. Fields with information on normal fair market value of collocating on existing towers. Ms. Fields confirmed that the price quoted by Fox News Tower was indeed above the fair market value in North Carolina for similar projects.

The Planning Board's recommendation was made to address the need for cell coverage to increase safety in Cedar Mountain and Dupont State Recreational Forest.

Ms. Fields pointed out there are existing towers other than the Fox News Tower located on the same ridge. These towers do not have the strength to allow for additional antenna arrays and therefore were not appropriate for a cell phone antenna array to be collocated on those towers.

The proposed tower is a monopole design with a 150 ft. pole and 4 ft. lightning rod. The one antenna that is planned for the pole is located at the top of the pole for use by US Cellular. There is space for three additional antenna arrays for other carriers or services. In a photo rendering, a requirement of the Transylvania County Telecommunications Tower Ordinance, the applicant provided a superimposed image next to the existing towers currently located on the ridge. The applicant also provided the Planning and Community Development office with a map of the proposed coverage. Once the tower is erected, cellular coverage in Cedar Mountain would be improved according to the coverage map.

The proposed site plan showed the location of the proposed tower and the location of the existing tower that US Cellular proposes to remove and replace with the 150 ft. monopole. The proposed site plan also indicated the protected mountain ridge line.

Ms. Fields reported that Goal 1 of the Transylvania County Strategic Plan, adopted by the Board of Commissioners in 2016, is to have a local economy that has a more diversified tax base, an increase in living wage jobs and more stability. Furthermore, that the community has capitalized on the unique quality of life and environment of the area. The strategy to meet that goal is to plan, advocate and provide for infrastructure to support economic development and to make the community a desirable place to live and work. The unique nature of the mountain ridges in Transylvania County and the fact that there are towers currently located on this protected mountain ridge, along with the importance of having cell phone coverage and internet for economic development purposes and use by citizens and visitors shows how this goal is being met.

In addition, the recently adopted 2025 Comprehensive Plan consists of goals and action steps that address the need for additional cell phone coverage throughout the County:

- Economic Health Goal: Transylvania County has a diverse and vibrant economic base that is business-friendly and is supported by exceptional infrastructure.

*Objective 2) Initiates efforts to maintain and enhance infrastructure in order to improve our unique quality of place*

h. Advocate for actively identifying locations, funding and necessary partnerships to increase broadband coverage, speed and reliability throughout the county

- Land Use and Livability Goal: Transylvania County recognizes and supports private property rights while actively seeking ways to promote new growth and development through citizen driven policies and procedures that include, but are not limited to, safety, livability, extension of utilities, road improvements and community character.

*Objective 2) Ensures public safety efforts are financially supported, well-coordinated and prepared for future growth*

h. Evaluate future construction, equipment and personnel needs accessibility by emergency services

This concluded the information session by Ms. Fields. A public hearing is a required step of considering the variance request.

Chairman Chapman called for questions from Commissioners prior to opening the public hearing.

Commissioner Hawkins inquired further about the email correspondence between Ms. Fields and US Cellular regarding the lease terms. He stated the Board has not seen those emails. Ms. Fields said she would share them with the Board of Commissioners. Commissioner Hawkins noted the reason for his question is that the ordinance allows the Board to grant variances only when certain conditions apply, and one of those is if development standards would cause extraordinary economic hardship to the applicant. Without knowing what those rates are, the Board of Commissioners cannot make a judgment about whether it is an extraordinary economic hardship.

The Manager informed the Board that staff is not seeking approval of the application at this meeting. The Board can receive any additional information as requested between now and the time they wish to decide.

Ms. Fields expressed that NC General Statutes do not allow the County to collect proprietary information from the applicant and she was unsure if economic hardship fell under that category. It does allow the County to require the applicant to show why they are unable to collocate. Thus, the applicant has provided information on the fair market value of collocating in the State of North Carolina and other locations with similar populations. The applicant also informed Planning and Community Development the amount Fox News Tower is requiring in order to enter into a lease agreement which is above the fair market value that the applicant could afford based on the population and the coverage of Transylvania County.

Commissioner Lemel stated that based on Ms. Fields' concerns about being able to comply with NC General Statutes, it might be helpful to seek the services of an independent consultant that has no connections to the applicant's or County's interests. It would be helpful to determine if the conditions of extraordinary economic hardship are being met in this situation, as well as to assist with the technical aspects and legal compliance.

Ms. Fields wanted Commissioners to know that this variance request is not related to the Mountain Ridge Protection Ordinance, only the Telecommunications Tower Ordinance. This is a complex issue regulated by multiple statutes and ordinances.

Commissioner Hawkins stated the goal is to increase cellular service in this area of the County. Referring to the coverage map, he asked if there was a way to compare the proposed coverage area of the new monopole tower with what the coverage might be if they were able to collocate on the Fox News Tower. He asked because he was curious if there would be a meaningful difference in the coverage area. Ms. Fields reported that this same question was asked of the applicant during the Planning Board meeting. The response from the applicant was that the coverage would not differ significantly. They did not, however, produce a map to show what the coverage would be should they collocate on the Fox News Tower.

Chairman Chapman requested that any additional information requested by Commissioners be provided to the Board in writing.

**Chairman Chapman declared the public hearing open at 9:21 a.m.**

Mike Doran: Mr. Doran was in attendance representing US Cellular and he wished to address the Board's questions and concerns. Mr. Doran stated that coverage maps were developed assuming collocation on any of three towers currently located on the ridge. He moved forward with trying to establish an agreement with the Fox News Tower, including going as far as having a survey completed. Fox News Tower first proposed a lease for \$6,000/month. With push-back from US Cellular, Fox News Tower counter-proposed a lease for \$4,000/month and ceased any further negotiations. The normal rate for this area, which information he sent to Ms. Fields, is between \$2,000 and \$2,200 for the type of install being proposed. Mr. Doran expressed that US Cellular would prefer to be collocated on the Fox News Tower; however, communication had ceased between them at the advice of their attorney which meant to him that Fox News Tower was negotiating with another party. As a result, US Cellular has been unable to negotiate a workable lease with Fox News Tower. In terms of the other towers located in the area, US Cellular is prohibited from collocating on a State police tower. The other towers were not structurally able to handle the type of equipment necessary to collocate. Mr. Doran pointed out he understood the purpose for protecting mountain ridges and noted that if the cell tower were to be located at a lower elevation, they would miss the setback requirements and have to build a larger tower to reach over the peak of the tower. Additionally, he pointed out there will be other carriers on the tower in the future. The bottom line is that there is no coverage in the area which presents a safety issue for those living and traveling in the area.

Huxley Coulter: Mr. Coulter thanked the Board of Commissioners for carefully considering this variance request. He stated that if collocation is proven to be an extraordinary economic hardship to the applicant that does not mean a tower can be sited in a place that is noncompliant with the Telecommunications Tower Ordinance. He hopes the Board will agree with him and not grant the variance. He was also supportive of the Board's engaging an independent consultant to help review this process.

Mark Tooley: Mr. Tooley agreed there needed to be better cell service, particularly in Cedar Mountain and Dupont State Recreational Forest. He pointed out this mountain is the most prominent peak on the southeastern side of the County and is therefore a likely place for a cell tower. Mr. Tooley believes the tower could provide cell coverage to this area of the County if the vendor would move it off the ridge on the side toward Cedar Mountain and locate its base 100' below the crest of the ridge, in conformance with the ordinance, noting the vendor has not proven such a location as unsuitable. Mr. Tooley expressed concern about the application. He pointed out when the Planning Board first considered the application, it was incomplete. The ordinance requires a completed application before being considered. Secondly, he stated that the applicant misinterpreted the Mountain Ridge Protection Ordinance. The vendor thought it said the proposed tower should be 100' off the ridge in a linear fashion; however, the ordinance indicates the base should be 100' in elevation below the ridge crest. Because of the misinterpretation, the vendor completed their signal mapping work based on a nonconforming tower location. Mr. Tooley expressed concern about the newly revised Mountain Ridge Protection Ordinance being tested so early with this variance request. He thought more respect should be given to the County's ordinances and the great amount of time and thoughtful consideration it took to create them. He pointed out the Telecommunications Tower Ordinance is clear when it says that the Board of Commissioners finds that mountain views and aesthetics are an integral part of the County's economy and thus prohibits telecommunications towers on protected mountain ridges. Mr. Tooley requested Commissioners require the applicant to consider moving the proposed tower off the ridge as the ordinances states – 100' in elevation below the ridge – only if they or the County cannot work out an arrangement with the Fox News Tower. Furthermore, if more information is needed by the County to make an informed decision, the

ordinance specifies that an outside expert can be hired, at cost to the applicant, to help answer questions about the application.

Mike Doran: Mr. Doran addressed the Board again to follow up on citizens' comments. He argued that if there is a place to site a cell tower on a mountain ridge, this would be the place because there are already visual obstructions there.

There were no further comments from the public. **Chairman Chapman declared the public hearing closed at 9:35 a.m.**

Commissioners will consider the variance request at a future meeting.

### **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.*

John Brown: Mr. Brown thanked Commissioners for their leadership and the service they provide to the citizens of Transylvania County. He described how impressed he was with the volunteers who created and continue to operate the WNC Military History Museum. He said they maintained a quality facility that celebrates service, preserves history and educates youth. Mr. Brown was excited about their vision for future. By expanding their vision from WNC to the entire Carolinas, Mr. Brown believes they have an opportunity to provide a destination facility, while at the same time being able to preserve and celebrate the service of those who have served this nation in the military. The facility they plan for the future will continue to celebrate the hundreds of thousands of veterans who have served our nation. He thought it was a worthwhile vision and supported it fully.

Joe Taludo: Mr. Taludo asked all those in attendance to support the WNC Military History Museum to stand and be recognized. He thanked the Board of Commissioners for creating an opportunity to allow the museum to exist in this County. He said it has become a community treasure and he felt that the County's making good use of unoccupied space was a win-win. By this, Commissioners are allowing the organization to grow, become more familiar with the community, and produce a vision that is going to take them to a greater place. Mr. Taludo said he understood there might be a great opportunity for economic development with the Courthouse area in the future, but the museum supporters hope the Board will allow the museum to remain in place for at least another two years to grow its vision and plan for a permanent solution.

Duke Woodhull: Mr. Woodhull stated, in considering the possibility of extending the lease for the WNC Military History Museum, that he hoped Commissioners have taken the opportunity to visit the museum, view its displays, and participate in the programs. He reported that over 9,000 visitors have been to the museum. He stated while tourism enhances the appeal for Transylvania County, it is not the primary purpose of the museum. The three-fold mission of the museum is to honor, preserve and educate. Mr. Woodhull described one example of a valuable and positive message that was included in a recent presentation. The presentation highlighted General John McAllister Schofield, an American soldier who held major commands during the Civil War, and later served as US Secretary of War and Commanding General of the United States Army. General Schofield is remembered for a lengthy quotation that all cadets in the US Military Academy at West Point are required to memorize. His words inform the public of an important aspect of military life and yet they are equally applicable to every walk of life. Mr. Woodhull urged the Board of Commissioners to extend the lease and give the museum an opportunity to spend the next couple of years planning for a permanent location.

Janice Allen: Ms. Allen stated that she was grateful to see Commissioners represented at the Veterans Day ceremony at the Courthouse gazebo. She said the proclamation Commissioner Hawkins read was very meaningful and the veterans of this County appreciate the Board's support.

(Ms.) Michel Robertson: Ms. Robertson stated that the WNC Military History Museum is not just a collection of artifacts spanning the century from WWI to the current day. Its importance and appeal go beyond the series of educational lectures, movies and exhibits offered to the public and students. She reported that the museum has become a gathering place for veterans and their families, where stories are told, and memories are shared. It has also offered solace and recovery for our Vietnam Veterans. She read an email from a brother of a Vietnam veteran who now feels proud to have served and fought which is a huge statement coming from a wounded war veteran who until now has struggled with his service and how he was treated. The museum is a healing place, and Ms. Robertson commended all those who have worked so hard to create a place our veterans can visit and see that their service has not been in vain.

### **AGENDA MODIFICATONS**

There were no agenda modifications from Commissioners. The Manager requested to change the purpose of the closed session from NC General Statute § 143-318.11 (a) (5) to NC General Statute § 143-318.11 (a) (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body,

**Commissioner Lemel moved to approve the agenda as presented with the medication, seconded by Commissioner Phillips and unanimously approved.**

### **CONSENT AGENDA**

**Commissioner Lemel move to approve the Consent Agenda, seconded by Commissioner Chappell and unanimously approved.**

### MINUTES

The Board of Commissioners met in regular session on Tuesday, September 11, 2018 and following met in closed session in which the minutes were sealed. Commissioners approved the minutes as submitted.

### REQUEST TO CLOSE COUNTY OFFICES ON NOVEMBER 27 FOR EMERGENCY MANAGEMENT TRAINING

Staff requested the closure of the downtown County campus for an Emergency Management drill on Monday, November 27, 2018 from 8 a.m.-12 p.m. This will include Administration, Tax Administration, Register of Deeds, Elections, the Library and the Community Service Building. New Adventure Learning Center will practice their lockdown procedure, but they will remain open to care for the children that they serve. All employees working in those buildings that day will participate in the drill and the buildings will be closed to the public at that time. County staff is coordinating with the City of Brevard Fire Department, City of Brevard Police, Sheriff's Office, Emergency Services, Transylvania County Safety Committee, BRCC Basic Law Enforcement training staff and Transylvania County Administration to conduct the drill. The purpose of the drill is to help promote safety and awareness and highlight where we as a local government need to make improvements in order to protect staff and citizens in our buildings. Commissioners approved closure of the downtown County campus buildings on November 27, 2018 from 8 a.m.-12 p.m., instructed the Clerk to the Board to publish notice in the newspaper and on the website, and instructed staff to post notices on their buildings in order to inform the public in a timely manner.

## APPOINTMENT OF ENFORCEMENT OFFICER FOR THE TELECOMMUNICATIONS TOWER ORDINANCE

Section 7 of Transylvania County's Telecommunications Tower Ordinance states that the Board of Commissioners shall appoint an Enforcement Officer. The Enforcement Officer shall administer and enforce all provisions of the ordinance. With the recent retirement of Planning and Community Development Director Mark Burrows, the Board needs to appoint a new Enforcement Officer. It is recommended that County Planner Joy Fields be appointed as the Enforcement Officer. Commissioners appointed County Planner Joy Fields as the Enforcement Officer for the Telecommunications Tower Ordinance.

## **PRESENTATIONS/RECOGNITIONS**

### WNC MILITARY HISTORY MUSEUM PRESENTATION

Chairman Chapman asked the WNC Military History Museum to provide the Board of Commissioners with an update about their activities over the past year ahead of the Commissioners' consideration of a lease extension. Included in the Board's agenda packet was a letter from the Board of Directors and various articles about their activities. Museum Curator Emmett Casciato presented a Power Point highlighting their recent accomplishments. This is a summary of the presentation:

#### *Mission*

The museum's mission is to honor, educate and preserve.

#### *Honor Veterans and Their Families*

- Honor Wall with over 218 plaques of names of loved ones who served in the military; names date back to Revolutionary War
- Twice each month Vietnam veteran's personal story shared in *The Transylvania Times*
- Vietnam veterans recognized at museum with pin and attempts are made to connect them with other veterans they may know
- D-Day lecture honoring nine Transylvania County WWII veterans
- Honor WWII veterans with local tours of museum

#### *Educate Visitors and the Public*

- School, youth, senior group tours and lectures
- Camo-Kids programs on Saturdays in the summer
- Monthly lectures on military history topics and movie night
- Recently honored the oldest living WWII veteran in Transylvania County in the museum; she is 99 years old; other WWII veterans in attendance as well; ceremony attended by more than 60 people

#### *Preserve Military History Artifacts*

- Collect artifacts from all over North Carolina; uniforms on display from all branches of the military
- Copy of every weekly *Life* magazine from 1939 to 1946; exhibit coming up in the spring
- Medals
- Exhibit exchange with the Australia National Maritime Museum *Battle of the Coral Sea*
- Local donations add regularly to the new exhibits on display

#### *WNC Community Involvement*

- Partnered with several veterans' associations
- Over 9,000 visitors since August 2017

- Local television, radio and magazine feature stories
- Partners with City of Brevard for the 150<sup>th</sup> Anniversary and Veterans Day Ceremony for 2018

#### *Vision for the Future*

- Rebrand as The Veterans' History Museum of the Carolinas
- Plan to raise money and expand to a permanent larger home in two to three years

Mr. Casciato read a letter from Congressman Meadows congratulating him on the opening of the WNC Military History Museum. He was commended for the achievement. In the letter, Congressman Meadows stated it is our responsibility to remember the sacrifices from generations past. He called the museum a gift to the community and was appreciative for all those who supported the museum.

#### SILVERMONT MASTER PLAN FINAL PRESENTATION

Parks and Recreation Director Jared Mull presented to the Board the final Silvermont Park Master Plan completed on behalf of the County by Sitework Studios. He stated that the 2016 Comprehensive Parks and Recreation Master Plan adopted by the County and City recommended an architectural firm that specializes in park design individually master plan each park. Several of the County's parks have weaknesses, such as storm water erosion problems, safety entering and exiting, and no additional space for growth. Master planning Silvermont opens opportunities for community special events – identified as the #2 program need in the comprehensive plan survey – special play areas, and an event venue.

Mr. Mull recapped the Silvermont master plan timeline:

#### Timeline

- 5/22/18 – Stakeholder meetings held (Friends of Silvermont, Senior Center participants, Master Gardeners, Historical Society)
- 5/31/18 – Public Input Meeting held at Silvermont
- 6/4/18 – Online Survey created and marketed to the public
- 6/19/18 – Sitework Studios presented recommendations to Parks & Recreation Commission based on meetings, survey, and site analysis
- 7/23/18 – Rough Draft presented to Board of Commissioners
- 8/21/18 – Parks & Recreation Commission reinforced their unanimous support of the draft to Board of Commissioners and recommended holding another public input meeting due to concerns raised about the removal of the athletic courts
- 8/31/18 – Phasing Plan for final review sent to Parks & Recreation Director
- 9/11/18 – Board of Commissioners meeting and site visit at Silvermont
- 9/18/18 – Parks & Recreation Commissioner monthly meeting
- 9/25/18 – Final public input meeting held at Recreation Center
- 10/5/18 – Sitework Studios presented final master plan to Parks & Recreation Director after public input meeting

The message from Mr. Mull, Sitework Studios and the Parks and Recreation Commission is that the Silvermont Master Plan should be considered a long-term plan recommended to be completed in phases. The public has raised several concerns about the removal of the basketball and tennis courts based on the rough draft presentation. Mr. Mull stated it is important to note that the recommendation is that no courts should be removed until an alternate location is secured, and new courts are constructed. The 2016 plan indicates there is a need for additional tennis and basketball courts, but it is not feasible to add those courts at Silvermont.

Since Sitework Studios presented the rough draft to the Board of Commissioners and the fact that additional public input sessions have been held, the following new changes are recommended to the master plan:

#### New Changes

- Removal of both basketball courts in front of the mansion, but adding one court near the existing picnic shelter at Silvermont
- Keep the Master Gardener area in place. Parks and Recreation will work with Cooperative Extension to identify future projects suitable for Silvermont Park.
- Moving the original Phase #2, paving the walking trail, to Phase #1

#### Phasing

- Phase 1 – Converting the existing main trail to a 6’ wide asphalt trail; priced at \$66,000
- Phase 2 – Park entrance/exit, vehicle roundabout, restroom renovations, dumpster enclosure, rain garden; priced at \$406,000
- Phase 3 – Removal of the current basketball courts and adding one new court, creation of the open lawn area, more accessible parking, pedestrian sidewalk; priced at \$278,500
- Phase 4 – Drainage and storm water improvements, natural play area added, additional picnic areas; priced at \$109,000
- Phase 5 – Removal of the tennis courts, improvement of Master Gardeners area, creation of the multi-purpose open lawn area, adding 6’ wide walking loop, small pavilion; priced at \$236,000

**Total cost for all five phases: \$1,261,700, including 15% contingency**

This concluded Mr. Mull’s presentation. He called for questions from Commissioners.

Commissioner Lemel referred to the Phase 4 plan to address storm water retention and asked how the storm water issues would be dealt with in Phase 1 with upgrading the walking trail. Mr. Mull said it makes sense to include resolving the storm water issues with Phase 1. The justification for the Phase 1 recommendation was to ensure that the trail was accessible and usable by the public. The Manager noted that paving the trail does not add to the storm water problem because there is already impervious surface in place there. Paving the trail could very well change how storm water reacts, but it should not be significant. Commissioner Lemel was concerned about paving the trail and dealing with the storm water in a separate phase because of the possibility to having to repave the trail in another phase. If the County is going to invest funds into the project, it should be done well and as a one-time expense. The citizen surveys indicate the most important improvement that should be made at Silvermont was to build accessible, safe restrooms. She reviewed the cost projections and combined the restroom improvements with other projects – storage area, screening fence, and dumpster enclosure – that she thought would make substantial improvements to the park in Phase 1, costing around \$130,000. Mr. Mull agreed with Commissioner Lemel’s suggestions, noting this is really a conceptual plan brought forth by the consultant as recommended phases. His envisioned the priorities for the park to be upgrading the trail, storm water retention, restroom improvements, and vehicle safety as these issues impact all users.

Commissioner Chappell shared Commissioner Lemel’s concerns about the walking trail and wanted to ensure that it is done properly Commissioners do not have to invest additional dollars in redoing the trail later because all of the issues were not dealt with from the start. He also continued to have concerns about the removal of the athletic amenities because citizens have expressed to him they do not want them removed. With the revised proposal to have a basketball court onsite, he asked about the details – two half courts or one full court? Mr. Mull said the plan is to have a full court. He added that although no

one from the tennis community attended the second public input session, he did receive an email from someone who strongly advocated for the tennis courts to remain at Silvermont.

Commissioner Chappell inquired further about the bathroom renovation. He also inquired about their availability to the public. Mr. Mull stated that the project would involve gutting the current restrooms and doing a complete renovation. The park closes at dusk, so the caretaker at the Carriage House would be responsible for locking the restrooms at that time. If an event occurs at the park past normal operating hours, Mr. Mull said he would make arrangements with the caretaker to ensure the restrooms remained available.

Commissioner Phillips asked if the removal of the basketball courts would occur in Phase 3 or after the new court is constructed. Mr. Mull responded that during Phase 3 the tennis courts would remain, but the two basketball courts in front of the mansion would be removed, and the new basketball court would be built next to the existing picnic shelter. Tennis courts are to remain until Phase 5 because it will take time to find additional land that is suitable to build new courts on. The Manager added that the subsurface for the tennis courts was not laid correctly when they were originally built which becomes a long-term maintenance and sustainability issue for the facility. While it is part of the plan to remove the amenity, it is one that staff knows long-term will require serious investment should they remain.

Commissioner Hawkins commented that the path forward involves sequencing with decisions to be made by the new Board over the next few months. What is being asked by staff at this meeting is whether the Board feels the plan is reasonable and if they are willing to move forward with the plan. The Manager stated the importance of the master planning component is not only for the Board to determine available funding and phasing, but also that the Comprehensive Master Plan adopted for the entire parks and recreation system identified as a weakness that each park did not have its own master plan. Once a master plan is established for one park, it will help the Board to see what else they need to consider for other parks and how much land is required to provide for the entire system needs.

Commissioner Hawkins stated that Phase 2 deals with reconfiguring the entrance/exit to Silvermont. It was indicated in the write-up that the entrance/exit to Silvermont is not safe for vehicles or pedestrians. This is a definitive statement, so to him this might need to be dealt with more quickly.

Commissioner Lemel stated the recommendation is to adopt the master plan. She asked if Commissioners had to be committed to the phasing as presented or if they could adjust it as needed. The Manager responded that with the adoption of the master plan, funding decisions will help to determine the phasing that occurs. The master plan provides the basis for budgeting and capital planning so that Commissioners can address the needs comprehensively. She also said it was important to note that the presentation revealed citizens' concerns regarding ADA accessibility, safety, etc. and Commissioners may need to consider ensuring that existing facilities meet the standards citizens expect before making investments in new facilities.

**Commissioner Lemel moved to adopt the Master Plan for Silvermont Park, seconded by Commissioner Phillips.** Commissioner Lemel said she looks forward to receiving future recommendations on an actual phasing plan. Chairman Chapman commented that the deciding factor will be based on the availability of funds. He thanked Mr. Mull and the Parks and Recreation Commission for their work on this project. Commissioner Chappell stated he still has major concerns about some of the outlying phases. He said he struggled with adopting the master plan because he does not approve of all the phases. He understands that an affirmative vote does not commit him to funding, but it does give the impression that he is supportive of the phasing plan. Therefore, he was hesitant to support the motion. Commissioner Phillips agreed with earlier comments by Commissioner Hawkins that Phase 2, dealing with the safety issue of the entrance/exit, should be the first priority. Commissioner Lemel said the

intention of her motion is to adopt the overall plan for the park. She expects that the phasing will be adjusted accordingly due to the priorities and funding opportunities. The Manager suggested adoption of the master plan with the phasing as listed in the plan being suggested phasing in order to be clear that the Board is not committing themselves to the specific phasing plan. **Commissioner Lemel amended the motion to move for approval of the Comprehensive Master Plan with phasing to be determined. The amended motion was seconded by Commissioner Phillips and unanimously approved. The main motion was unanimously approved.**

#### JOINT HISTORIC PRESERVATION COMMISSION ANNUAL REPORT

County Planner Joy Fields introduced Marcy Thompson, Chair of the Joint Historic Preservation Commission, to give the annual report.

Ms. Thompson reported that in the Board's agenda packet was the 2018 Annual Report of the Joint Historic Preservation Commission highlighting their activities. She encouraged continued historic preservation and the related activities because the value is beyond saving old structures. It shows the value placed on the community.

The Joint Historic Preservation Commission (JHPC) is charged with historic preservation for the City of Brevard, Town of Rosman and Transylvania County. The JHPC is made up of nine members: two represent the City of Brevard, one represents the Town of Rosman, and the other six are at-large members. It is important that the membership is from varied communities throughout the County.

The JHPC's strategic plan was presented to and adopted by the Board of Commissioners in February 2017. Ms. Thompson shared a couple of key points from the strategic plan. The JHPC has worked toward developing partnerships – Transylvania Heritage Museum, Transylvania County Historical Society, The Friends of Silvermont, the WNC Military History Museum, community centers throughout the County, and individuals – to support the implementation of their strategic plan. The JHPC also applied for and received grants to support historic preservation and work. The recently received two grants to conduct a survey of the Rosenwald community of Brevard and African American heritage related resources elsewhere in Transylvania County. This project is underway.

Next, Ms. Thompson talked about the JHPC's major roles and activities in 2018. These activities were centered around the City of Brevard which was intentional to help them celebrate their sesquicentennial. Include in the Board's agenda packet was a copy of the new walking tour guide highlighting the Main Street Historic District that was funded through a grant from the Transylvania County Tourism Development Authority. The project was conducted in partnership with the Local History Room at the Transylvania County Library and the Heart of Brevard. Ms. Fields placed copies of the guide in the foyer for the members of the audience. The other major activity of 2018 was the Historic House Ramble that featured nine of Brevard's historic homes. It was carried out in partnership with the Transylvania Heritage Museum and the Transylvania County Historical Society. It was a huge success and people are asking for a repeat of this event. This concluded Ms. Thompson's presentation.

Commissioner Hawkins inquired further about the grant to survey the Rosenwald community and African American structures. He asked because the report indicated a need to update the overall survey that was done in 1991. Ms. Thompson responded that there is in fact a need to update the entire County's survey because it has been so long since it was completed. However, these grants are specifically for the Rosenwald community, its structures and culture. The JHPC intends to conduct oral interviews and spread to other traditionally African American communities, such as Glade Creek, French Broad, Frog Bottom, Pinnacle Mountain, etc. Commissioner Hawkins was interested in seeing the plan once it is developed. He said it will be a real treasure to accumulate the oral and cultural history of those communities. He thanked Ms. Thompson and the JHPC membership for their work.

Commissioner Lemel commented that this is a great time to capture this information. Transylvania County has some real treasures in our community. She commended the members of the JHPC for the great value in the work they do. She thanked Ms. Thompson for her leadership.

Commissioner Chappell asked if any thought had been given to sharing the oral histories of the African American communities with Western Carolina University. They have a special department where they archive recorded digital/vocal history of communities. Ms. Thompson agreed that it is important to share oral histories and said it is the intention to share them with Western Carolina.

Chairman Chapman thanked Ms. Thompson for the very important work that she and the JHPC members do to preserve the history of Transylvania County.

## OLD BUSINESS

### REQUEST TO EXTEND LEASE FOR WNC MILITARY HISTORY MUSEUM

The Manager reported that the WNC Military History Museum's lease of the former County Administration Building will expire June 30, 2019. The Museum has requested a two-year extension of the lease through June 2021. The Museum also requested a modification to the lease to extend the notice to vacate by either party to six months rather than the current 30 days' notice. Based on the Board of Commissioners' decision to cease further work on the Courthouse, the Museum feels there is no urgency for them to relocate at this time. The Manager recommended Commissioners discuss the Museum's request to extend the lease agreement.

**Chairman Chapman moved to extend the lease to the WNC Military History Museum through June 2021 with a six months' notice to vacate the building. The motion was seconded by Commissioner Phillips.** Commissioner Chappell thanked the Museum staff for their work. He said he was very supportive of their mission. With that said, he shared that he had concerns with this request. His biggest concern was that in less than one month a new Board will be seated. Being that the lease does not expire until June 30, 2019, he preferred the new Board make the decision on the lease extension because of the importance of the location and topic. The County Attorney interjected that NC General Statute § 160A-272 requires the Board of Commissioners to publish notice for a 30-day period if they intend to lease property for more than one year. The notice should include information on the property that will be leased, the annual lease payments to be received, and notification to the public of the Board's intent to authorize the lease at the next regular meeting. The Chairman's motion to request a two-year lease extension is a decision that cannot be made today. Chairman Chapman stated he would have appreciated having this information ahead of the meeting today. In response to Commissioner Chappell's comments, Chairman Chapman stated that the Board did not appear to have an issue with bringing forth a decision on the Courthouse and funding a new facility. He felt that since the current Board made the decision to lease the facility to the Museum to begin with, it made sense that the same Board decides on whether to extend the lease. The County Attorney pointed out to Commissioners that they can extend the lease for one year without having to publish notice. Any period of extension between two and 10 years would require published notice. The Manager added that when Commissioners approved the original lease, the agreement also stated the lease to be a method of funding in support of a nonprofit because the lease amount was not at market rate. She questioned whether a publication of notice would be required since Commissioners would not be leasing at market rate, but rather providing funding for a nonprofit. She referred to the County Attorney on this question. The County Attorney advised that the notice of publication requirement would remain because it involves leasing of County property. Chairman Chapman asked Commissioners to deal with the motion on the floor. **The motion failed by a vote of 1 to 4, with the only aye being Commissioner Phillips.**

Commissioner Chappell had questions for Museum staff. He pointed out that one of the slides in the presentation earlier during the meeting indicated the Museum hopes to expand to a larger location in two to three years. He assumed the Museum would embark on a capital campaign to construct a new facility. Mr. Casciato responded to questions on behalf of the Museum. He reported the Museum is starting a capital building fund. For them to raise the necessary funds, he said the Museum would need two years' lease extension to keep the organization active. They have also employed the services of a grant writer to assist with finding additional funds. While the new building is under construction, they intend to find a smaller space to keep a front for the Museum with rotating artifacts. Another goal of the Museum is to start a foundation to keep it funded in perpetuity. Mr. Casciato pointed out that at their current location people can see the Museum is legitimate and well known which should positively impact their fundraising efforts.

Chairman Chapman proposed tabling the request to allow time for the Board and Museum staff to understand the legal requirements and determine a timeline for moving forward. He was disappointed that the Board was unable to come to a decision today. He pointed out the current lease requires a 30-day notice to vacate.

The Manager pointed out that the request outlined in the Board's agenda memo is for an extension of the lease. In her correspondence with the County Attorney during Board discussion, she learned that the current contract between the County and Museum is not a lease agreement. She suggested Commissioners table the item until later in today's agenda to give the County Attorney time to ensure the difference in the type of agreement does not change the notice requirement. The contract was conceived and written similarly to the contract between the County and Family Resource Center which is a multi-year contract. There was no notice published for that agreement either because it was viewed as also supporting a nonprofit venture as a partner.

Commissioners wanted to be sure of the legal requirements and preferred this item be added to the next meeting agenda for discussion.

## **NEW BUSINESS**

### INTENT TO PURCHASE PROPERTY FOR COUNTY PARK

The Transylvania Economic Alliance has property under contract that is not suitable for economic development purposes but may be feasible as a site for a park. The Manager pointed out the Board's strategic plan includes providing facilities that enhance quality of life, in addition to infrastructure for the community. The Parks and Recreation Master Plan adopted by the Board recommends land acquisition to be a priority for meeting the needs that the public input identified as being part of the Master Plan development. The Master Plan indicates a current need of an additional 47 acres of parkland, with a cumulative additional need of 52 acres by 2020 based on population trends. The Master Plan identified the need to acquire 30-35 acres for a community park and sports complex, greenway acreage, 10-15 acres for a multi-generational indoor center and neighborhood park, and 10-15 acres for neighborhood parks. As there is potential property available this item is being presented to the Board as intent to purchase property.

Josh Hallingse, Executive Director of the Transylvania Economic Alliance presented information to the Board on the property for their consideration. This is the first introduction to the public.

Mr. Hallingse stated one of the primary areas of discussion when the Transylvania Economic Alliance came to fruition was where economic development can occur for the County to grow and be successful. He pointed out how fortunate we are to be surrounded by beautiful landscapes. It is important to protect them and leverage them from an economic development standpoint. However, they present a challenge

when trying to work with both existing companies and new companies looking to locate here. To plan the organization's short-term, mid-term and long-term goals, the Alliance worked with a consultant to help them find where there might be economic development opportunities, to include property not publicly owned, location of infrastructure and steep slopes, and to develop a path forward. The Alliance has made progress in this area. Last year, construction began on the 60,000 sq. ft. Sylvan Valley Industrial Building on Ecusta Road that will be occupied by SylvanSport soon. It also provides an additional 30,000 sq. ft. industrial bay to market to a new user. The Alliance has also worked with the ownership of Davidson River Village to understand how to market the property. The site was entered into the Duke Energy Site Readiness Program last year. Mr. Hallingse is proud that the Davidson River Village property is now on the market.

Even with these successes, Mr. Hallingse said there remains an unhealthy supply of industrial product in this community. The County's industrial portfolio reveals one truly marketable industrial site – the site next to Jennings Business Park/Oskar Blues. The Alliance searched for other properties and identified one site that is a relatively large acreage site for this community, consisting of approximately 55 acres and separated into four parcels. The access is from Greenville Highway. There are no slope issues with the property, but it is heavily located in the floodplain and floodway. The property was recently acquired by Brevard College through a settlement. The Alliance has worked to identify how the property might be used for the public interest. The tax value of the property is \$515,000, equaling \$9,300 per acre. The appraised value determined through the Alliance's due diligence is \$460,000. The appraisal was conducted by WNC Appraisal Services. In order to understand how the property could be developed, the Alliance entered into contract with Brevard College for \$440,000, equaling \$7,900 per acre. The contract includes a due diligence period through December 10, 2018. At that point, Mr. Hallingse assumes the property will go on the open market.

Mr. Hallingse showed a brief video that provided an aerial overview of the property. The property is in the floodplain and floodway which is a hindrance to traditional economic development projects. Based on civil engineering calculations, 54% of the property is in the floodplain and 49% is in the floodway. The benefit of the property is it has access to utilities and traditional infrastructure. The property sits in the City of Brevard's extraterritorial jurisdiction and is zoned GR6. Possibilities for development include residential, agricultural, or recreational use. The Alliance views the property as a site for a potential park. Other communities across the State have leveraged similar properties for parks or recreational use.

Mr. Hallingse stated the Alliance is most interested in determining how to leverage developable properties in the community, with the ability to provide a sites and buildings inventory. Developable property in Transylvania County is hard to come by, especially with the high cost of extending utilities.

Chairman Chapman called for comments from Commissioners.

Commissioner Phillips stated the concept presented by the Alliance to the Board of Commissioners is to move the ballfields from the sports complex in Pisgah Forest to the site off US 276. He said that to accommodate the ballfields on that property, as most of the property is located in the floodway or floodplain, will cost in the \$4 million range to remediate the property and qualify for a no rise certificate. He was concerned how remediation of the property would impact the neighbors. Mr. Hallingse responded that Transylvania County does not have viable options in the community for industrial development. The consultant that assisted the Alliance with developing its goals noted that the property on which the ballfields are located is highly developable and located adjacent to existing industrial businesses. The Alliance is interested in utilizing properties already located in an industrial corridor for industrial purposes and using properties that are less developable for recreational purposes. The Alliance worked with a hydro-engineer to develop a wetlands delineation map on the Brevard College property to understand the development restrictions for a property of this type. The hydro-engineer is confident that

the parks and recreation amenities currently located on the County-owned property off Ecusta Road could be accommodated on the Brevard College (formerly Pickelsimer) property.

Commissioner Lemel clarified this involves only relocating County-owned fields to the Brevard College property. She pointed out the \$4 million price tag is for a full buildout of the park that would include many additional amenities beyond just relocating four ballfields. Mr. Hallingse confirmed.

Commissioner Phillips asked how the neighbors on the other side of the river would be impacted with raising the property to a level to meet the no rise certificate. Mr. Hallingse said part of the process of developing areas in the floodplain and floodway is to obtain a no rise certification and meet a no adverse impact requirement. The Alliance worked with a hydro-engineer to develop a basic concept to understand if the property could meet the requirements if the property were to house recreational amenities. The hydro-engineer felt that the property could meet those requirements. The cost would be dependent on how the County wanted to develop the property. The site could support several recreational amenities.

For clarification purposes, Commissioner Phillips asked if there is a remediation requirement in order to use any property that is in the floodway. Mr. Hallingse was unsure of the answer. He pointed out that other communities, including Transylvania County, have located parks in the floodway, but he was unsure of the remediation process or how they were constructed.

Commissioner Lemel stated if the property is acquired for a County park it would come off the tax rolls. She inquired about the potential economic expansion that could be realized by moving the four fields from the current site in Pisgah Forest. Mr. Hallingse responded that the Alliance created a conceptual plan for the property. It includes 170,000 sq. ft. of space to be constructed on the property. The largest tract that can be developed consists of roughly 10 acres which could support approximately 100,000 sq. ft. of contiguous space. The goal for the property would be job creation and investment. A full build out of the property would generate tax base both in real and business personal property for new companies interested in our community, as well as quality job creation. Mr. Hallingse said the Alliance understands this idea is untraditional, but the Alliance believes the recreational component of the Brevard College property is an interesting and viable option for the community. It also represents creativity in a community with limited opportunities.

The Manager reminded Commissioners they can purchase the property for a park whether they decide to commit to moving any facilities. They are two separate paths forward for consideration – to purchase the property for additional park space or to purchase the property with the intention of maximum build out requiring a no rise certificate. The question at hand is whether the Board wants to purchase the property. Relocating current facilities from Ecusta Road to free up property for economic development is a secondary step that does not require approval now.

Commissioner Lemel asked if the Board can sell the property if the Commissioners determine at a later date they do not want to use for it a park. The Manager replied yes.

Commissioner Hawkins inquired about a logical exit strategy, noting that Commissioner Phillips made good points with comments about the floodway. Mr. Hallingse said an appropriate exit strategy would be for the County to determine how to lower its basis in the property. One of the items the Alliance explored during the due diligence period is the utilization of streambank restoration credits. The wetlands delineation map identified a stream on Gallimore Road that leads to the French Broad River. There are available credits of cash value to a future purchaser to bring down the future owner's basis in the property. A conservative use of streambank restoration grants for this property is estimated at 8.5 acres for approximately \$150,000 in credits. To maximize the use of the credits could bring the total to \$200,000. This brings the net purchase down considerably. There are other opportunities for use of this

property, such as residential or agricultural use, but the Alliance thinks the highest and best use is recreational for this type of land. There is also an added benefit of it being located between two schools and adjacent to the Boys and Girls Club.

Commissioner Phillips pointed out some of the projections included costs for annual repair of facilities in the floodplain or floodway. He did not recall what the cost projections were, but he stressed the property is going to flood. Commissioner Chappell responded that the cost projections totaled \$192,000 in annual costs for a full build out of the site.

Commissioner Lemel pointed out there are many options for the County to consider for developing this property, so to her it is an important purchase.

Commissioner Chappell said he is not interested in the County's being in the land speculation business. The purchase alone is  $\frac{3}{4}$  cent on the tax rate. There would be ongoing costs to the property even if the County did not develop it. If the County does nothing with the property, Commissioners' action to purchase the property will have taken it off the tax rolls and spent over \$400,000 in taxpayer dollars to purchase it. He did not support this transaction. Mr. Hallingse pointed out that the Alliance thinks the bigger issue is an attempt to create tax base on a more developable piece of property. He did not see this purchase as being in the land speculation business. Mr. Hallingse pointed out the tax value does not significantly impact the tax base, and there is an opportunity to increase the tax base by using County-owned property for industrial purposes.

Commissioner Lemel reminded Commissioners that the 2016 Parks and Recreation Master Plan identified several needs and it is a fact the County has a deficit in parks and recreation inventory. The purchase of this property would help the County meet those identified needs. She was very supportive of acquiring the property.

Commissioner Hawkins inquired about next steps because the due diligence period expires December 10.

Chairman Chapman stated the presentation today is the first introduction to the public. He asked if a public hearing is required for the purchase. The County Attorney responded that no public hearing is required if the intent is to purchase the property for a County park.

Chairman Chapman asked Commissioners to consider approval of the purchase of the property during the November 29 Board of Commissioners' meeting.

**Commissioner Lemel moved to put the purchase of this property on the November 29 meeting agenda, seconded by Commissioner Phillips.** Commissioner Hawkins asked how the Alliance's Board of Directors feels about the property. Mr. Hallingse said the Board of Directors is committed to the concept. They have looked at other properties and they understand this project may be controversial, but they feel it is the best project for Transylvania County's economic development future and the most cost-effective way of pursuing quality industrial job creation. Commissioner Hawkins said his interest in considering the property is due to the potential in economic growth in terms of jobs and tax base. He stressed he is also interested in an appropriate exit strategy should the County decide not to develop the property. He agreed with Commissioner Chappell that the County should not be in the land speculation business but stated at the current price point the potential financial exposure to the County is relatively limited. **The motion passed by a vote of 4 to 1, with Commissioner Chappell voting against.**

#### REQUEST FOR REFUND OF PROPERTY TAXES

Tax Administrator Jessica McCall presented this item to Commissioners. Property owners and taxpayers Keith and Jamie Hutcheson contacted the Tax Administration Office in late September with a concern

that their property, which they purchased in 2015, had a higher land value than other properties in the area. Their property was assessed in 2016 based on the reappraisal schedule of values, considering the most recent sales data and applicable land use base rates. They felt their property value, particularly the value of the land, should be corrected to be more equitable with surrounding properties.

Staff informed the Hutchesons that any adjustments to their property valuation would be for 2019 and would not be retroactive. The Hutchesons are requesting the valuation adjustment to be retroactive to 2016 and for a portion of their 2016, 2017 and 2018 property taxes to be refunded.

Tax Administration staff contacted the NC Department of Revenue who confirmed the situation did not warrant a refund and the denial of the request for a refund at the Tax Administration level would now move to the Board of Commissioners for a decision, per NC General Statute § 105-381. The Hutcheson's claim for a refund is that the error was clerical in nature, but their claim is incorrect. When setting values during a reappraisal, sales data through December of the prior year is influential in setting the property value. Their 2016 reappraisal was very close to the sales price and there was no appeal at that time. The statute gives three reasons counties are supposed to refund property taxes - one being a clerical error; however, this situation does not qualify as a clerical error, nor is it an illegal tax or a tax levied for an illegal purpose. Therefore, there is no basis for a refund.

Per the statute, the Hutchesons must submit a request for a refund in writing to the Board of Commissioners, at which time the governing board has 90 days to determine if the taxpayer has a valid defense or that no refund will be made. If the Board denies the request for a refund, the Hutcheson's only other recourse would be to file civil action against the County.

Ms. McCall pointed out the Hutchesons emailed a request for refund. For procedural purposes, she asked if the email constitutes a sufficient request. If so, she asked if the Board feels the request is defensible and warrant a refund or is not defensible and should be denied.

Commissioner Hawkins stated that the statute is clear that they need to submit their request in writing. To him, this means they need to write a letter to the Board of Commissioners. Commissioner Lemel agreed they should comply with the statute.

Commissioners directed staff to contact the Hutchesons and advise they need to submit their request in writing directly to the Board of Commissioners.

#### FILTERED WATER ACCESS IN COUNTY BUILDINGS

Assistant County Manager David McNeill presented this item. He reported that County Administration has received requests for access to filtered water in County buildings. Some staff has expressed concerns with the older pipes in some buildings as a reason for the need to have access to filtered water, while other requests have centered on the accessibility of filtered water bottle filling stations to promote a healthier choice.

Currently, none of the water fountains in County facilities provides filter water. The Solid Waste Department utilizes a water service at the landfill site. Mr. McNeill stated he was not familiar with the quality of the well water on that site and recommended testing it before switching to a filling station. The Maintenance Department purchases water for crews in the field, specifically grounds crews where access to water is limited. The County has purchased water for departments regularly in the field during hot weather months (Building Inspections, Environmental Health).

The cost estimate to purchase filtered water filling stations for County facilities is approximately \$1,200 each. The cost does not include installation which will vary slightly depending on location. Replacing

existing water fountains will have minor installation cost compared to adding a location. It is the intent to replace existing fountains.

Mr. McNeill recommended installing five filtered water filling stations this year to replace existing non-filtered fountains, begin in those buildings with the largest employee and citizen impact (Social Services/Community Services Building, Library, Courthouse, Public Safety Facility and, Tax Administration Building). He intended to evaluate the Maintenance Department's budget and reallocate general maintenance funds to cover the cost of these five. If approved, next year staff will replace or add filling station units in Administration, New Adventure, Election Center, Animal Shelter, and Brevard EMS. In addition, staff is looking at options to add filtration to the existing water bottle filling station unit at the Recreation Center.

Once installed, there is an annual cost of approximately \$670 to replace filters in 10 units. That cost could increase if it is determined that filters need to be changed more frequently. However, that need is not anticipated at this point.

The installation of these units will also eliminate the need for some departments to continually purchase water for their staff.

**Commissioner Lemel moved to proceed forward with the installation of the filtered water access in the County buildings as proposed, seconded by Commissioners Chappell and Phillips simultaneously and unanimously approved.**

#### TRAVEL POLICY

Human Resources Director Sheila Cozart presented this item on behalf of the Personnel Board. Over the past few years, there have been many issues brought to light related to the County's current travel policy. Those issues were varied and related to several areas such as: use of credit cards, maximum reimbursement per meal, use and reimbursement for use of personal vehicle, etc. Recent approval for use of Procurement Cards (P-cards) should provide improvement in the process. That development, coupled with the recommended changes to the travel policy, should provide significant improvement on behalf of the travelers on County business as well as the Finance Department for processing transactions for payment and ensuring compliance with the travel policy.

For ease of administration, the Personnel Board has recommended a per diem subsistence for meal costs including gratuities of \$45 per day and must be related to an overnight stay. The per diem allowance may need to be prorated for partial day travel. The specific reimbursements for partial day travel are specified within policy along with clarification on use and reimbursement for use of personal vehicles. The Personnel Board tried to identify, simplify and clarify areas of inconsistency and concern raised by employees, Department Heads and the Finance Department; while making the policy and process easier for the traveler and for the Finance Department to administer. This policy would also bring Transylvania County into compliance with IRS guidelines related to meal reimbursement for non-overnight travel.

**Commissioner Lemel moved to approve the changes to the Travel Policy as presented, seconded by Commissioner Chappell and unanimously approved.**

#### FINANCE/HUMAN RESOURCES SOFTWARE CONVERSION

Finance Director Jonathan Griffin presented this item. He reported that on December 6, 2005 the Board of Commissioners authorized staff to proceed with executing a contract with Computer Software Innovations, Inc. (CSI, Inc) to implement their proprietary financial management and human resources software called SmartFusion. In 2012, Harris Computer Corporation, a subsidiary of Constellation

Software, Inc. purchased CSI, Inc. From that point forward, the pace of updates to the County's system have slowed. The lack of updates, and a similar lack of responsiveness from Harris' staff concerning Transylvania County's needs, have led to increasing workloads on Finance and Human Resources staff as it was necessary to develop work-arounds for a system that has become obsolete.

Three immediately relevant examples of how SmartFusion has not aged well in Transylvania County are:

1. It has no ability to integrate any kind of electronic time-keeping software solutions, which means payroll processes remain manual.
2. It has minimal ability to integrate with newer software solutions, such as Works by Bank of America which the County uses for managing purchasing cards, leading to increased and additional manual processing of data.
3. The lack of a position control feature means staff is unable able to track individual positions in the County. This has made it difficult to estimate lapsed salaries county-wide. It has also led to responding to public records requests very time consuming. Additionally, it has meant that many of records need to be kept in paper format because there is no electronic version of that record.

Several financial challenges over the past several years can be directly attributed to the increasing lack of SmartFusion's ability to meet the County's resource planning needs. In reviewing the prior agenda item submitted to the Board in December 2005, CSI was only used by two counties at the time of implementation. Staff realizes now that the SmartFusion solution was not tailored to meet the needs of County governments which it why it has not met our needs over the past thirteen years.

In 2005, staff received four responsive proposals (one was eliminated for being unable to implement as quickly as the County needed). Those four proposals were for four separate products: CSI, MUNIS, New World and EDEN. Tyler Technologies, which proposed MUNIS in 2005, has since acquired New World and EDEN. CSI was purchased by Harris and has been losing market share in North Carolina ever since. Staff is aware of other software solutions which are also being left behind by changing circumstances and losing market share in North Carolina. The County received two proposals from two companies which combined currently have software solutions implemented in more than two thirds of North Carolina's counties.

The two proposals represent two dramatically different approaches to solving our underlying challenge. Mr. Griffin reported it was difficult to develop and provide a detailed approach so instead the following analysis will rely on a qualitative assessment. He intends to provide Commissioners with an overview of the history of this process, a summary of the proposals received, a brief overview of the advantages and disadvantages of the two proposals, and a final recommendation. The County is not required to purchase software through competitive bidding based on price by NC General Statute § 143-129.8 which acknowledges that the complex needs of local government units require at least some subjective factor.

Mr. Griffin said it is worth noting that enterprise resource planning (ERP) software tends to be more complex now than they were in 2005. As organizations grow, and particularly in the case of government, their individual functions grow more complex and interconnected; therefore, software solutions that address only accounting and human resources functions are increasingly rare. Neither of the two proposals staff received met only those needs; instead, the proposals included options for software that went beyond the specific individual needs for finance and human resources. In discussions with sales representatives from both proposers, staff tried to balance the features of the two proposals but leave room for growth that would meet the County's other future software needs.

Both, for example, had modules for taxation administration and collection that were integrated into their accounting modules. In the future, the County may need to consider more closely tying its myriad

functions together through these types of comprehensive software solutions to increase efficiency and ultimately drive down costs.

The other major change worth considering is that it is increasingly common for organizations of all types to house their business software onsite on servers owned and maintained by third parties. This has advantages over the useful life of a software system because it allows individual organizations to pool resources in a single entity that handles server upkeep and maintenance and reduces the total cost of ownership over the life of a server for all parties.

It also makes the data contained in these servers less susceptible to attack from individuals who might seek to gain access illegally to the County's information. For example, someone targeting Transylvania County's personnel files who gained access to the County's intranet here in Brevard would not then be automatically able to steal data, as those files would be elsewhere. For this reason, if a software upgrade is pursued, staff recommends it should only be under the auspices of an option where the software is housed off-site.

Both proposals included those outcomes. Off-site hosting also has the following advantages in addition to security concerns:

1. The Board will not need to appropriate funds for server purchasing and replacement (servers can run approximately \$20,000 and it would require two to three to run either solution).
2. Staff will face less pressure to recommend the addition of IT staff since this significant IT function would be transitioned to a third party through a hosting contract.

In March 2018, County staff reached out to several software vendors based on lists provided by the North Carolina Local Government Information Services Association, a professional development organization for information technology staff, and conducted several software demonstrations to try and feel out what new software systems would look like. Staff did not undertake this stage of the process to refine or narrow the choices, but merely to explore what the options were and get a feel for what software would best fit the needs of Transylvania County. Staff received recommendations from professional organizations like the North Carolina Local Government Information Systems Association for software that might be well suited to smaller counties. Four companies asked for a copy of the request for proposal, but only two responded.

The first proposal the County received was from MUNIS, an enterprise software solution sold by Tyler Technologies. Tyler is the largest software company that designs software exclusively for public sector entities. It has 17 offices in the continental United States and one office in Toronto, Canada. It is a publicly traded corporation with 4,300 employees. Since 1998, it has acquired 31 other public sector software companies. Tyler proposed a MUNIS solution, its flagship software, with the following financial commitments for a total of approximately \$530,000 in the first year and approximately \$185,000 in the years that follow:

1. Installation fees: \$274,600
2. Annual maintenance: \$183,391
3. Third party software: \$1,650 (this is a requirement with North Carolina's dual signatures law)
4. Travel for Tyler employees: \$68,744

Tyler serves 54 counties in North Carolina. Two of Transylvania County's peers, Dare and Macon are MUNIS users. Tyler services counties significantly smaller than Transylvania, such as Tyrrell and Currituck, as well as counties significantly larger, such as Chatham and Henderson counties.

The major advantages to the Tyler proposals are as follows:

1. A proven solution with a track record of success in North Carolina
2. Well reviewed by users contacted by Transylvania County staff
3. Experience working with both smaller and larger units
4. A permanent solution – many counties have been using Tyler software for decades
5. Publicly traded company means the County is unlikely to have a similar experience to our experiences with CSI's SmartFusion

The major disadvantages of the Tyler proposal are as follows:

1. Requires additional appropriation from Fund Balance (\$98,785) for year one
2. High annual maintenance fee (in excess of \$180,000 per year for a hosted solution)
3. Tyler Technologies is effectively in monopoly status at this point, which means the County is likely to experience uncontrollable price increases in future years.

The second proposal was from Keystone Information Systems, Inc, a privately held corporation based out of Maple Shade, New Jersey. Keystone is a private family-owned corporation that specializes in software development specifically for school systems and counties in the southeast. Keystone proposes predominantly to county governments in Virginia and North Carolina a comprehensive solution of tax, human resources and finance software. It has a satellite office in Huntersville, NC

Keystone proposed the following costs:

1. Implementation fees: \$243,839
2. Annual maintenance: \$52,696; this is somewhat variable based on the County's level of commitment; for discussion purposes staff assumed highest possible cost
3. Third party costs: \$3,150 for the annual cost of hosting offsite
4. Travel costs for Keystone employees: \$47,199

The major advantages of the Keystone Proposal are:

1. It will meet the County's near and mid-term financial needs
2. It has lower implementation costs and a lower annual maintenance cost than Tyler
3. As a smaller company focusing on small to mid-size government units, staff would expect better customer service and more attentiveness to Transylvania County's needs

The major disadvantages of the Keystone proposal are:

1. As a privately held company, Keystone's shareholders could decide to divest and the company could be acquired by another organization, which would leave the County in a similar position as it is currently with regard to Harris/CSI SmartFusion.
2. Keystone does not have many options for expansion of enterprise software – whereas Tyler has modules for Parks and Recreation and Health Department needs, for example, that would allow the County to lower overall software costs through consolidation. Keystone only has a tax administration module that would remain unpurchased through this agreement.
3. Keystone has a smaller North Carolina user base, which means the County would have fewer options for discussion issues with peers.

The recommendation is to contract with Tyler Technologies. Staff did not recommend MUNIS in 2005, and ultimately MUNIS became the standard for county governments in the years that have followed. The risks associated with selecting Keystone and then finding five years later we need to purchase a new

software solution would almost certainly outweigh any difference between the Tyler and Keystone proposals. Ultimately, it is the recommendation of staff to move the County towards a truly integrated software solution where all of staffs' work is done within the same software no matter what job they are doing. The Keystone proposal would almost certainly be more comparable in price to Tyler's MUNIS proposal if they were offering a software program that could meet all the diverse needs of a County government.

This is inconsistent with the fiscal management policy set forth with the Board and staffs are unhappy to make a recommendation inconsistent with those policies; however, the risk of moving forward with the lower cost proposal may cause additional financial complications in the short to mid-term. If Keystone were the selected vendor and did not meet the County's needs, staff would need to undergo this process again and likely the cost of a software conversion project would be even higher than it is now.

Over the past several years, the Board has assigned dollars in fund balance to build the fiscal capacity for this anticipated conversion to a new system. In the County FY 2019 budget ordinance, the Board appropriated \$429,500 from fund balance to this purpose. The recommended purchase will require an additional \$164,745 from fund balance

If accepting the recommendation, the Board should:

1. Authorize the County Manager to develop and execute a contract with Tyler Technologies for the implementation and maintenance of their *MUNIS* application suite
2. Appropriate an additional \$164,745 from unassigned fund balance (\$137,285 to cover the difference between the year one implementation costs and the budgeted total, plus \$27,460 to provide a 10% contingency on the year one costs)
3. Authorize the County Manager to develop and execute a contract with Tyler Technologies to provide for the offsite management of the County's Enterprise Resource Planning (ERP) software solution

**Commissioner Lemel moved to authorize the County Manager to develop and execute a contract with Tyler Technologies for the implementation and maintenance of their *MUNIS* application suite, to appropriate an additional \$164,745 from unassigned fund balance, and to authorize the County Manager to develop and execute a contract with Tyler Technologies to provide for the offsite management of the County's Enterprise Resource Planning (ERP) software solution, seconded by Commissioner Chappell.** Commissioner Lemel was appreciative of Mr. Griffin's detailed analysis. Commissioner Hawkins inquired about the timeline for implementation. Mr. Griffin responded that the County would go live in FY 2020, meaning the first payroll would occur through the new software in approximately 12 months. The Manager reminded Commissioners of some of the impetus of what staff started to plan for this conversion. There are many issues with the current software that have been increasing over the last several years. Last year, the County nearly encountered a half million dollar fine by the IRS because the reports generated through the software were incorrect and had to be done manually. This is one example of numerous issues that staffs have encountered in potential fines with reports that the County is required to submit at the State and federal level. **The motion was approved unanimously.**

#### BUDGET AMENDMENTS

Finance Director Jonathan Griffin submitted five budget amendments for the Board's approval:

##### *Revenue Recognition and Supplemental Appropriation (Type #1)*

#39: The North Carolina Public Health Association awarded an \$8,000 grant to the Health Department which will serve as a pass-through to help support the Family Dinner Series community program hosted

by the Family Place. This amendment recognizes that new source of revenue and appropriates it to a line item in the Health Department.

#40: The Mountainwise Public Health Partnership awarded an \$860 grant to the Health Department to support a minority diabetes prevention program (MDPP) outreach effort. This amendment recognizes \$860 in new revenue and appropriates it to a line item in the Health Department.

#42: The Brevard Alcoholic Beverage Control Board appropriated \$4,000 as an intergovernmental grant to support the TAFFY (Teens Advocating for Future Youth) program which is supported by the Health Department's C.A.R.E. Coalition. This amendment recognizes the \$4,000 in new revenue and appropriates it to a line item in the Health Department.

*Increases in Overall Budget by More Than \$5,000 (Type #2)*

#46: The Department of Social Services ended FY 2018 with \$61,177 unexpended from its special reserve for promoting and supporting adoption of children in Transylvania County. This budget amendment draws the full amount from restricted fund balance into the current year's budget. The Department of Social Services intends to utilize the funds in FY 2019 to promote adoption alongside the Get Set Transylvania initiative.

#49: In the FY 2019 State Budget, the General Assembly approved raises for State employees, as well as employees of the University of North Carolina system. The NC State Cooperative Extension Agricultural Advisory Program, while housed at the Transylvania County Community Services Building, is funded through cost-sharing with North Carolina State University. These salary increases create increases to salary and wages and fringe benefits that must be borne by the County's FY 2019 budget. The FY 2019 salary increase for affected employees creates an \$8,520 deficit in the local Cooperative Extension budget which staff recommend filling through appropriation of unassigned Fund Balance.

If approved, these amendments will increase the General Fund budget to \$53,964,088. The Solid Waste Budget will remain unchanged. Appropriated Fund Balance for FY 2019 would be \$2,883,452.

**Commissioner Lemel moved to approve the budget amendments as presented, seconded by Commissioner Phillips and unanimously approved.**

FEDERAL LEGISLATIVE GOALS

Every biennium the NC Association of County Commissioners (NCACC) solicits input and proposals from counties concerning federal issues that impact NC counties. Counties have been asked to submit federal goals proposals by 5 p.m. on Friday, November 16. The NCACC Board of Directors will meet in December to review and approve a package of federal goals. The package of federal goals approved by the Board of Directors will go before the voting body at the Legislative Goals Conference in Raleigh to be held January 10-11, 2019. The NC federal goal priorities will be presented during the National Association of Counties (NACo) Legislative Conference to be held March 2-6, 2019 in Washington, DC.

Included in the Board's agenda packet was a list of goals approved by the NCACC and NACo in 2017-2018 for reference.

At the previous meeting, the Manager reported this item would be added to the November 13 agenda for discussion. At that time, Commissioners suggested adding the Fair Market Rent Methodology as a goal. The Manager asked the Board to discuss further and approve a list of federal legislative goals to submit to the NCACC by the November 16 deadline.

In addition to the Fair Market Rent Methodology, Commissioners recommended the following list of goals to be submitted:

- Fully funding or increasing PILT (Payment In Lieu of Taxes) funds
- Fully funding School Resource Officers in all schools and allow flexibility for those counties that already fund these positions
- General opposition to government shutdowns legislation because it costs local governments
- Increase to funding for prevention programs through federal spending programs - drug addiction, mental health, and through Medicaid - allowing communities to spend dollars on prevention programs rather than reactionary programs
- Support Stepping Up Initiative for Jail Diversion because it is a substantial savings for counties

**Commissioner Lemel move to submit the goals as listed to the NCACC for federal consideration, seconded by Commissioner Hawkins and unanimously approved.**

#### MANAGER'S REPORT

The Manager reported the following:

- Reminder that the next Commissioners' meeting has been rescheduled from Monday, November 26 at 7:00 p.m. to Thursday, November 29 at 7:30 p.m.
- Dedication of the Sylvan Valley Industrial Center will be held on Wednesday, November 28 at 10 a.m. The project represents a unique community collaborative between the City of Brevard, Golden LEAF Foundation, North Carolina Department of Commerce, Transylvania County and the Transylvania Economic Alliance.
- Congratulations to Will Cathey and David Guice on their successful campaign to become County Commissioners. They will be sworn on in Monday, December 3, followed by the organizational meeting of the Board of Commissioners, where the new Board will elect their chair and vice-chair for the ensuing year. Thanks for Chairman Chapman and Commissioner Phillips for their service. Staff has enjoyed working with them over the last several years.
- Kudos to landfill staff from finance for the assistance getting surplus items moved
- Kudos to the library staffs for participation in the Community Resource Day in Balsam Grove this past Saturday.
- Sesame Street in Communities partnership launch at HalloweenFest was a great success.

#### **PUBLIC COMMENT**

David Morrow: Mr. Morrow with the Board of Elections thanked all the candidates, poll workers, and County staff for their work during the recent election. The Board of Elections will review 95 provisional ballots on Thursday, followed by canvassing at 11:00 a.m. on Friday to certify the election. Mr. Morrow reported that 60% of the registered voters voted in this election. More than half voted early. The early voting period was extended over the previous election. He reported this election has being an expensive one. He thanked the Board of Commissioners for their Election Center because it would have been difficult to effectively manage the election without an adequate facility.

Edwin Jones: Mr. Jones said he remembered the time for completion of the Silvermont project that was previously presented to the Board as being 25 years. He said he did not hear a timeframe for completion in today's presentation and was interested in knowing that information.

## COMMISSIONERS' COMMENTS

Chairman Chapman said he was approached by a citizen concerning the condition, status and future of South Broad Park. He stated the park has become overgrown and there are growing concerns about safety, especially at night. He encouraged the Board and staff to consider the future of the park.

For clarification, Chairman Chapman asked if this Board intends to have another discussion about the Museum lease or if the discussion will fall to the new Board. Commissioner Lemel said she wants the legal questions answered by the County Attorney and then she was fine with this Board's making a decision. Commissioner Hawkins stated that the goal between now and the next meeting should be getting answers to the questions that arose today.

**Chairman Chapman moved to enter into closed session per NC General Statute 143-318.11 (a) (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, after a 5-minute recess, seconded by Commissioner Hawkins and unanimously carried.**

## CLOSED SESSION

Pursuant to NC General Statute 143-318.11 (a) (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, closed session was entered into at 12:25 p.m. Present were Chairman Chapman, Commissioners Chappell, Hawkins, Lemel (arrived late from another meeting), and Phillips, County Manager Jaime Laughter, County Attorney Misti Bass, Transylvania Economic Alliance Executive Director Josh Hallingse, via conference call Susan Cooper, Attorney with Womble Bond Dickinson, and Clerk to the Board Trisha Hogan.

Commissioners received an update on a potential economic development project.

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

## OPEN SESSION

**Chairman Chapman moved to seal the minutes of the closed session until such time that opening the minutes does not frustrate the purpose of the closed session, seconded by Commissioner Lemel and unanimously approved.**

## ADJOURNMENT

There being no further business to come before the Board, **Commissioner Lemel moved to adjourn the meeting at 1:15 p.m., seconded by Commissioner Hawkins and unanimously approved.**

\_\_\_\_\_  
Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Trisha M. Hogan, Clerk to the Board