

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**July 8, 2013 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, July 8, 2013 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Vice-Chairman Larry Chapman, Jason Chappell, Daryle Hogsed and Page Lemel. Chairman Mike Hawkins was absent because of a death in his family. Also present were County Manager Artie Wilson, County Attorney Tony Dalton, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Eric Crews

There were approximately 150 people in the audience.

**CALL TO ORDER**

Vice-Chairman Larry Chapman presiding called the meeting to order at 7:07 p.m.

**WELCOME**

Commissioner Chapman 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**

**BIO-MASS FACILITY USING MUNICIPAL SOLID WASTE AS A FEEDSTOCK MORATORIUM**

The purpose of the public hearing is to give the public an opportunity to express their thoughts on a proposed ordinance to prohibit the construction of any bio-mass electricity generating facility using a pyrolysis process with municipal solid waste as a feedstock during the next 12- month period while the County obtains information on potential impacts to the health and safety of its citizens. A public hearing is required before Commissioners can take action on the moratorium.

**Commissioner Chapman declared the public hearing open at 7:09 p.m.**

Kristin Knudsen: Ms. Knudsen is a resident of Brevard and a volunteer with People for Clean Mountains. She said she chose to live in Brevard and she feels very protective over the people and the environment. From her research, she has determined that a bio-mass facility is not a good idea for this County. Ms. Knudsen submitted petitions to Commissioners of nearly 3,000 signatures of people who share the same concerns about this facility asking for an 18-month moratorium on the bio-mass facility proposed for the Penrose community. She pointed out there is no petition whatsoever in favor of the biomass facility.

Kevin Glenn: Mr. Glenn stated that Transylvania County is a diverse outdoor community, lacking only the official marketing campaign. Although many say the County needs to determine its identity, he feels that people already know – Transylvania County is the Land of Waterfalls. Because of this, Mr. Glenn said that Transylvania County should not be the home of the latest wave of high impact polluting industry cloaked in the misnomer of renewable energy. Mr. Glenn noted that thousands of people have signed petitions and submitted letters of complaint and spoken out in support of a moratorium on the proposed bio-mass facility; however, the proposed moratorium does not go far enough to prevent other types of

feedstock from being used or other types of combustion technology, which would also be a threat to air and water and to the health of the citizens.

Mr. Glenn offered the following additions to the wording on the moratorium:

1. After the term *bio-mass electricity generating facility* – add *and/or any other facility generating bio-mass derived energy products*
2. After the term *pyrolysis facility* – add *and/or any other combustion-related technology*
3. To Section 3, Subsection 1 and Section 4, Subsections D and E, expand the definition of facility to include *other combustion-related processes as noted in the document*

Mr. Glenn asked Commissioners to move forward with this effort and allow time for the community to work together with Commissioners to establish a brand for Transylvania County. He urged Commissioners to pass the moratorium with the noted additions because the people have asked for it.

Diann Harle: Ms. Harle is a resident of Transylvania County. She reported that on June 27 the “Think Big” forum was presented by People for Clean Mountains as part of a conversation about clean mountains, clean jobs and a clean economy, and thinking beyond incinerating garbage. Ms. Harle thanked Commissioners for their efforts to enact this moratorium. Ms. Harle invited Commissioners to hear Neil Seldman, the Director of the Institute for Local Self Reliance, who specializes in approaches to municipal and commercial solid waste management. He will be speaking to People for Clean Mountains and others on August 8. Afterwards, there will be opportunity for the organization and the community to partner with the Institute for Local Self Reliance and join in the dialogue about what the community chooses to be.

Ryan Vivek: Mr. Vivek is a small business owner and a resident of Transylvania County. He owns a renewable energy design and installation firm and has been working for the past six years to find the most economically viable and environmentally friendly solution to bringing clean energy jobs to Transylvania County. Mr. Vivek commented that the developer of this project has not been upfront with the County or the citizens to address concerns they have about the bio-mass facility. He encouraged Commissioners to do what is best for Transylvania County, and not assist a developer who appears to only care about money.

Dave Ketting: Mr. Ketting said he has a background in engineering and he believes this project has some technical feasibility issues that have yet to be discovered. Therefore, he hopes the County does not offer its support for this project without first getting answers to their concerns, as well as the citizens’ concerns.

Joyce Ryan: Ms. Ryan is a resident of the Little River community. She believes enacting the moratorium is premature and shortsighted. She said the project is in the early stages of the regulatory process. A moratorium will hinder that process, which she believes is what many people want to happen anyway. Ms. Ryan said she is familiar with the regulatory process because she worked in the Federal Energy Regulatory Commission in Washington, DC for many years. She pointed out that the process is daunting, long, thorough and fair, and will therefore allow plenty of time to continue studying the project. Ms. Ryan said the passage of this moratorium will send a message to the Public Service Commission that citizens and the local government are against the project and it will more than likely not make it through the regulatory process.

Dana Smith: Ms. Smith is a resident of Brevard. She is the Executive Director of Dogwood Alliance which works on forest protection campaigns. The Dogwood Alliance is currently working on a campaign that is focused on biomass. Ms. Smith commended Commissioners for listening to citizens’ concerns about the impact this facility would have on air quality and the local health of the residents, and also on

the economy because the County's natural environment is critical to future economic development growth. While Ms. Smith believes there is a need for clean and renewable energy; she believes the bio-mass facility is not "green" and will not provide the renewable energy that is needed for the future. She asked Commissioners to consider the proposal by People for Clean Mountains to broaden the moratorium so that it is not limited to only pyrolysis and municipal solid waste.

Unknown: (Clerk could not understand name) The speaker is a native of Transylvania County. She is a product of industry here as her family worked at Dupont and Ecusta. She is proud of that but she is also proud of how the County has progressed. The speaker stated that the County has the most beautiful environment and it should be protected; therefore, the County should be selective about what kind of industry locates here.

**Commissioner Chapman declared the public hearing closed at 7:30 p.m.**

This item will be on the agenda for the July 22, 2013 meeting for action by Commissioners.

Commissioner Chapman allowed a 5-minute recess to give time for those not wanting to stay for the remainder of the meeting to exit since such a large crowd was in attendance.

#### **PUBLIC COMMENT**

Nancy Depippo: Ms. Depippo commented on an article that was in the June 17 issue of *The Transylvania Times*. She reported that in the article a member of the Economic Development Advisory Board (EDAB) stated that the Goldsmith report indicated the importance of having a railway line in place for potential investors. Ms. Depippo said she attended the public meeting on the Goldsmith report and the rail line was never mentioned in the presentation. Ms. Depippo asked Ms. Goldsmith if she saw the rail line as an asset in attracting the target industry she had laid out in her report or if it would serve the community better if it were converted to a trail. Ms. Depippo stated that the response from Ms. Goldsmith was that she would not normally recommend to a county to give up rail but in Transylvania County's case, she did not see the rail being needed for the type of economic development that most suited it.

Chris Lewis: Mr. Lewis is a resident of Pisgah Forest. Mr. Lewis expressed his disappointment in the way many members of the audience reacted to the lady who spoke out against the moratorium. He reminded everyone that all citizens have a right to express their opinion in this country without ridicule.

Pauline Hawkins: Ms. Hawkins agreed with Mr. Lewis' comments and said she extended a hand to the lady who was against the moratorium.

#### **AGENDA MODIFICATIONS**

There were no agenda modifications. The agenda was approved.

#### **CONSENT AGENDA**

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

The following items were approved:

#### MINUTES

The minutes of the June 10, 2013 regular meeting and sealed closed session were approved.

## **PRESENTATIONS/RECOGNITIONS**

### PLANNING BOARD'S REPORT TO THE BOARD OF COMMISSIONERS

On September 24, 2012 the Board of Commissioners and the Planning Board held a joint meeting to discuss future planning initiatives. During the meeting, the Boards focused on three planning elements: transportation, water and sewer, and land characterization. Commissioners directed the Planning Board to:

1. Discuss transportation issues with the Transportation Advisory Committee, think strategically, and deliver priority items to the Commissioners;
2. Conduct a water and sewer analysis, including possible joint extension ventures with the City of Brevard; and
3. Complete a land inventory defined by land characterization with the result of identifying prime development areas for future economic development.

Scott McCall, Chairman of the Planning Board, stated that the information in the presentation is not necessarily new information, but it does include recommendations to move the County forward.

Planning and Economic Development Director Mark Burrows made the presentation and reported the following:

#### Background

On September 24, 2012 the Board of Commissioners held a joint meeting with the Planning Board. The Planning Board was instructed to discuss transportation issues with the Transportation Advisory Committee, conduct water and sewer analysis including a possible joint extension ventures with the City of Brevard, and complete a land inventory defined by land characterization with the result of identifying prime development areas for future economic development.

The Planning Board reviewed a number of documents that are already in existence. The Planning Board met with representatives from NC Department of Transportation and the Land-of-Sky Regional Planning Organization and held joint meetings with the Transportation Advisory Committee and the City Planning Board.

#### Transportation

##### *Findings:*

There are multiple organizations responsible for transportation-related issues. NC House Bill 817 will affect allocation of State transportation funds at all State, regional and local levels. There are a number of important transportation priorities that the County shares with the City of Brevard and the Town of Rosman and it is important that all entities are working together.

##### *Recommendations:*

- Work with the City of Brevard and the Town of Rosman to create one voice
- Develop a stronger relationship with the NC Department of Transportation
- Planning Board to meet regularly with the Transportation Advisory Committee
- Have Planning staff participate in the Rural Planning Organization Technical Coordinating Committee meetings
- Stay abreast of current legislation regarding transportation issues
- Advocate for major road projects in the following order:
  - East and West Loops around Brevard – partner with the City of Brevard to discuss needs/wants/desires of moving traffic efficiently through and around the City

- US 64 West improvements – 4 lanes from Brevard to Rosman including climbing lanes, wider road surfaces and bike lanes
- Bridge construction on Floodway Connector 64/178 Rosman and US 178 improvements from Rosman to state line, including bridge realignment
- NC 215 – new road construction
- Elevate and widen Wilson Road and/or build Sylvan Valley Parkway
- NC 280 improvements from county line to US 64/276 intersection – divided highway, Little Mountain improvements, and access improvements
- Widen streets and add bike lanes to roads as stated in the Comprehensive Transportation Plan
- Launch educational campaign on public transportation services in the County, particularly for elderly and ride share availabilities
- Monitor the progress of the Blue Ridge Bike Plan
- Determine the need for more public transportation services
- Stay current on monthly road projects in the County and suggest any road improvements as stated in the Comprehensive Transportation Plan (use asphalt instead of “chip and seal” for resurfacing of roads used as bike routes)

### Water and Watershed Development and Wastewater Treatment

#### *Findings*

The City of Brevard obtains its water from Cathey’s Creek. The Town of Rosman obtains its water from four wells. Transylvania County is responsible for enforcing the Water Supply Watershed Ordinance. There is an existing joint policy on water and sewer extensions between Transylvania County, the City of Brevard, and the Town of Rosman dated February 2004. The County has no water or sewer infrastructure.

The City of Brevard is looking at a number of locations for a future water intake. The City estimates they will require 4.5 to 5 million gallons per day. Cathey’s Creek does not provide that level. The confluence of the French Broad and Davidson Rivers could impact a large portion of the County in terms of future land development. An intake upstream on either the North and/or West Forks of the French Broad River would impact fewer privately owned parcels. Land development regulations will be imposed on the County with a new water intake by way of a new water classification set by the NC Department of Environment and Natural Resources. Reclassification of the French Broad River will have implications on Transylvania County in two ways: 1) Watershed regulations will affect property owners, and 2) Watershed administration affect on County government.

Mr. Burrows showed a map of potential water intake areas. The City has identified roughly 3 million gallons that could be generated by having an intake on the Davidson River. An intake on the confluence of the Davidson River and the French Broad River could provide 15 million gallons per day. This amount is more than needed; however, this could be a way of protecting the County in the future in terms of other entities trying to take advantage of the water supply here. The City will have to provide the justification for whatever volume is identified. An intake location where the North Fork and West Fork of the French Broad River meet would provide much less in terms of volume of water and it would have to be treated and pumped to the Cathey’s Creek site or treated at the site. This location impacts fewer property owners and is the preferred site of the Planning Board.

#### *Recommendations*

- County Commissioners to meet jointly with the Town of Rosman and the City of Brevard to discuss long range water and sewer needs and services
- Conduct water and sewer extension feasibility analysis
- Identify future water needs of the County according to possible water-line extensions

- Review the County and City water and sewer extension agreement and advocate for water and sewer line extensions into potential economic development areas
- Support the City of Brevard's efforts to evaluate and build a new water supply intake and water treatment system
- Coordinate with the City of Brevard on new water intake
- Recommend a water intake location to maximize water capacity while minimizing regulations
- Evaluate both feasibility and interest of Conestee Falls as a potential water/sewer client
- Invite NC Environment and Natural Resources to discuss water quality and water reclassification issues
- Create a land characterization plan for commercial and industrial development, where water/wastewater utility service areas can be identified

### Land Characterization

#### *Findings*

Transylvania County has 242,988 acres. Nearly 76% of the County's total land area has been identified as having development constraints. Only 24% of the total land area in the County is not restricted by geographical, deeded restrictions or other forms of development including industrial or manufacturing development. Mr. Burrows noted that this percentage does not include steep slopes or prime farmlands, so actual developable land area is less than 24%.

The land area with development constraints consists of floodplains (4%), protected lands (54%), subdivisions (12%), and slopes (exact data not available).

Transylvania County is one of the most geographically unique counties in terms of diversity anywhere in the United States. In fact, 8% of all plant species that can grow in the United States can grow here in Transylvania County. The Pisgah National Forest comprises one-third of the County. Other protected lands include part of the Nantahala National Forest, Gorges State Park, the new headwaters of the East Fork area that was part of the Charles Taylor property, Dupont State Recreational Forest, and a number of small parcels that fall under some type of deed restriction for conservation purposes. There are also discussions about conserving other parcels in the future. Transylvania County also has several subdivisions which have deed restrictions.

The French Broad River area is very limited in the amount of future development because of the nature of being in the floodplain or because there are deed restrictions for hundreds of properties that are nearly impossible to change the type of use. Roughly 720 acres in the County is home to the landfill and it is literally at the headwaters of the French Broad River.

When including steep slopes, there are very few areas in the County where development could actually occur in the future.

#### *Recommendations*

- Concentrate industrial development land research to three areas:
  - 280 Corridor from Little Mountain to Henderson County line
    - Advantages: Great access to Airport/Interstate; larger workforce labor pool
    - Limitations: Small rather narrow valley; no infrastructure (water, sewer, natural gas); floodplain
  - 64E from the 280 intersection east to Henderson County line
    - Advantages: Existing large impact uses (Vulcan Rock Quarry, Transylvania Community Airport); existing rail line; larger workforce labor pool

- Limitations: Two lane traffic from Brevard to Hendersonville; no public water and wastewater lines past Pisgah Forest
- 64W from Brevard to Rosman
  - Advantages: Larger tract(s) of undeveloped property; natural gas is available to most areas; some water and/or wastewater capacity according to location
  - Limitations: Concerns about traffic having to travel through Brevard; water, wastewater and road improvements required; smaller workforce
- County Commissioners to create Product Development Task Force (this has already been done as a recommendation from the Goldsmith Report on Economic Development)
- Partner with the City of Brevard and Town of Rosman to identify potential areas within their jurisdictions that might be suitable for industrial sites, including the need to rezone parcels

Mr. McCall noted in response to a question from Commissioner Lemel that the Planning Board intends to hold another joint meeting with the City Planning Board later in the year, rather than in July as originally intended.

Also in response to Commissioner Lemel, Mr. McCall said it would be wise to partner with Henderson County because of the difficulties the County would have in getting water across Little Mountain on NC 280 and down the 64 E corridor. Henderson County already has water infrastructure in place.

Commissioner Chappell asked if any discussion occurred on transportation in terms of State funding formula changes and the possibility of working with the Transportation Advisory Committee on this issue. Mr. McCall said the Planning Board has discussed working more closely with the Transportation Advisory Committee because it is important to move forward with one voice. This is especially important being that Transylvania County is a small county. Transylvania County has some very specific infrastructure needs and improvements that need to occur or else the County could fall behind.

Commissioner Chapman inquired about the future needs identified by the City of Brevard in terms of water capacity. He wondered if their projection of 5 million gallons is realistic, especially now seeing the limited amount of property that is available for development. Mr. Burrows said the City, in their initial projections, looked at a number of different scenarios for growth. Their estimate is a very liberal approach to water use. Mr. Burrows believes their estimate is based on the maximum growth the City could experience and be able to accommodate the growth with a water supply. Whatever investment is made or constructed is going to have to last 30+ years.

Commissioner Chapman commented that one of the challenges the County will be faced with is protecting its water resources from other counties and states. He believes there are two options available, although they might not be ideal. One is having an intake near Pisgah Forest to help protect the water supply throughout the County; however, this will require restrictions to be placed on property owners. The other option is at the headwaters of the French Broad River. Although there is less impact on property owners, it does not protect all of the water resources in the County. Commissioner Chapman believes all entities should be focused on protecting the County's water resources with the least amount of impact to citizens.

Commissioner Chapman stated that the water and sewer policy appears to be outdated. He believes Commissioners need to determine how to move the County forward with accomplishing the items in the Comprehensive Plan that was developed in 2005. He also requested staff begin reviewing and updating, if necessary, any agreements or contracts the County has regarding water and sewer, etc.

Commissioner Hogsd asked questions concerning the placement of the water treatment facility. He asked if there were any projections on the amount of water that may be available at the Forks of the

French Broad River. Mr. McCall said that figure is unknown at this time. The Planning Board has asked the City to consider that location and provide some estimates. He believes this location, if connected to the Cathey's Creek site, may provide the City with the capacity it needs.

Commissioner Hogsed asked how this would impact the Town of Rosman's water system. Mr. McCall said if there is enough water from the intake at this location, the Town of Rosman could utilize it as well. He believes this would be a tremendous partnership opportunity with the City of Brevard, Town of Rosman and Transylvania County.

Commissioner Hogsed further asked what other options would be available to protect the water resources down river from this site, should it be located there. Mr. McCall said the need must be justified to the State, regardless of where the system is located.

Commissioner Chapman asked if there is an advantage of having a County water authority because many counties across the State have one in place. Mr. McCall said the Planning Board did not discuss this issue in great detail; however, personally he believes it is something the County should explore.

Commissioner Hogsed suggested that staff begin reviewing the water policy with the City's Planning Board. Both the City and County need to buy in to any updates or changes so that it opens the possibilities of extending water lines into the County's jurisdiction. For point of clarification, Mr. Burrows stated that the existing policy reads that if there is an extension of water lines outside of the City's planning jurisdiction, it is not assumed that the City will automatically take over that property.

Commissioner Hogsed said he is a true advocate of speaking with one voice. He said this has been one of the biggest obstacles he has identified while being Commissioner. Mr. McCall noted that the joint meeting with the City Planning Board was very productive and both the City and the County should expect good work from both of them.

Commissioners discussed the next steps. After comments and suggestions, **Commissioner Lemel made a motion to direct staff to see that the Transportation Advisory Committee and the Planning Board come together on prioritizing transportation needs. The motion was seconded by Commissioner Chappell.** Commissioner Chappell said it important to look at the possibility of restructuring because transportation is one of the keys to the County being successful. **The motion passed unanimously.**

**Commissioner Lemel made a motion to direct staff to set up a joint meeting with the Town of Rosman, the City of Brevard, and Transylvania County to address the future needs for and the location of a potential water intake site. The motion was seconded by Commissioner Hogsed and unanimously approved.**

Commissioners thanked staff and the members of the Planning Board for their hard work.

## APPOINTMENTS

### BREVARD BOARD OF ADJUSTMENT AND APPEAL

The Clerk was recently notified by Jeanne Haigis-Pedler that she had resigned from the Brevard Board of Adjustment and Appeal because she is moving out of the state. This was confirmed by the City Planning Director Josh Freeman. He recommended moving Judy Mathews into the spot vacated by Ms. Pedler and then advertising for the alternate position. The Clerk included this position in an advertisement last week.



**Commissioner Lemel moved to appoint Judy Mathews as a voting member of the Brevard Board of Adjustment and Appeal. The motion was seconded by Commissioner Hogsed and unanimously approved.**

#### BOARD OF ADJUSTMENT-ALTERNATES

The Planning Board serves as the Board of Adjustment as a result of the enactment of the Pisgah Forest Zoning Ordinance. The terms of Kenneth “Spud” Ayers and Clentis Williams expire at the end of July and they both serve as alternates to the Board of Adjustment. Both have agreed to serve another term. There are no other applications on file.

**Commissioner Lemel moved to reappoint Kenneth “Spud” Ayers and Clentis Williams as alternates to the Board of Adjustment. The motion was seconded by Commissioner Chappell and unanimously approved.**

#### LIBRARY BOARD OF TRUSTEES

The terms of Ed Coye and Ray Miller expire at the end of July. Both have served two full terms and are not eligible for reappointment. There are two eligible applications on file. It is the recommendation of the Library Board of Trustees to appoint Anne Bullard and Karen Cole to fill the upcoming appointments.

**Commissioner Lemel moved to appoint Anne Bullard and Karen Cole to fill the upcoming appointments, seconded by Commissioner Hogsed and unanimously approved.**

#### WORKFORCE DEVELOPMENT BOARD

Nancy Stricker’s term expired at the end of May and she does not wish to be reappointed due to health reasons. Phil Monk, Director of the Mountain Area Workforce Development Board, recommends the appointment of Rebecca “Becky” Alderman from TVS to replace Nancy Stricker.

**Commissioner Lemel moved to appoint Becky Alderman to the Workforce Development Board. The motion was seconded by Commissioner Hogsed and unanimously approved.**

#### VOTING DELEGATE TO THE NC ASSOCIATION OF COUNTY COMMISSIONERS ANNUAL CONFERENCE

The NC Association of County Commissioners (NCACC) will hold its Annual Conference in Guilford County on August 22-25, 2013. Each County is asked to designate a Voting Delegate to the Annual Conference. Commissioner Chapman plans to attend the Annual Conference. He serves on the NCACC Board of Directors.

**Commissioner Lemel moved to appoint Commissioner Larry Chapman as Transylvania County’s Voting Delegate to the NCACC Annual Conference. The motion was seconded by Commissioner Chappell and unanimously approved.**

### **NEW BUSINESS**

#### JOINT RESOLUTION OF THE TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS AND TRANSYLVANIA COUNTY BOARD OF EDUCATION REFERENCE FINANCING CONTRACT FOR LIGHTING AT BREVARD HIGH SCHOOL

The Board of Education has requested new lighting at Brevard High School and wishes to enter into a financing agreement of \$167,682.50 to pay for the total cost of replacing the lighting to be paid back in installments over a period of five years. In order to comply with NCGS 115C-441 (c1) the Board of Commissioners should approve a resolution agreeing to appropriate sufficient funds to the Transylvania County Board of Education in ensuing fiscal years in an amount to meet the contractual obligations

incurred by the Board of Education for this project. The annual payment over a five-year period amounts to \$37,689.64 per year.

Transylvania County Schools Finance Director Norris Barger reported that he has received two bids for this project and he is expecting one more. He said the current lighting has become a safety hazard because some of the breakers have melted, meaning there is too heavy a load or a problem with electrical or lighting. This project is a priority of the Board of Education. The goal is to have the new lighting installed prior to the first football game.

Commissioner Chapman asked if it was possible for the County to fund the project outright in order to avoid the interest payment. The Manager said it is possible for the County to upfront the money and then establish an agreement with the Board of Education on how the funds would be repaid to the County. Mr. Barger feels the Board of Education would be in agreement with this arrangement. The resolution provided by the Board of Education approves financing the project. Commissioners would not need to pass this particular resolution if the County finances the project instead.

**Commissioner Lemel moved to fund up to \$167,682.50 and to structure a payback schedule of a period of years that is agreeable to the Board of Education, be it three, four or five years. The motion was seconded by Commissioner Chappell.** Commissioner Lemel noted that this project is #33 on the Board of Education's capital list. She asked if the 32 projects listed above it are already scheduled to be complete. Mr. Barger stated that the other 32 capital projects are already scheduled. Furthermore, because of the \$1.6 million appropriated by Commissioners toward capital and because of some changes in prices and projects completed in the previous year, the Board of Education was able to include all projects from their original \$1.8 million request to the County, except for one. Mr. Barger assured Commissioners that the lighting project was not moved ahead of the other projects. There are other projects on the list of capital outlay items that are paid for through other funding sources (lottery funds, fund balance, local current expense maintenance funds, individual school funds, etc.). Commissioners requested to see a list of completed capital outlay items paid for by County appropriations prior to the next joint meeting of both Boards. Commissioner Lemel expressed concern about some of the same items being listed as a capital need year after year. After additional comments, **the motion passed unanimously.**

#### PUBLIC COMMENT

Dr. Jeff McDaris: Dr. McDaris informed the Board that on I-26 from Asheville the directional sign appears to have been changed from "280 to Brevard" to "Mills River". He will verify this, but he is concerned about this from an economic development standpoint. If in fact the sign has been changed, he asked Commissioners to contact the NC Department of Transportation about changing the sign to include Brevard.

Dr. McDaris referred to the Planning Board presentation from earlier in the meeting where there was reference to the types of challenges the County faces. He said Highway 280 was built as a quick access highway, similar to an interstate, but now there are 14 traffic lights between the Wal-Mart in Pisgah Forest and the Asheville Airport. When working with officials in Raleigh and with the NC Department of Transportation, they should be aware that this does not benefit Transylvania County.

Don Surette: Mr. Surette announced that this coming Saturday is the Transylvania County Historical Society's Antiques Fair. He invited everyone to attend and take an opportunity to have any antiques they own to be appraised. This is a fundraiser for the Historical Society.

Mr. Surrette commented on the amendment to the moratorium recommended by People for Clean Mountains. He interpreted the amendment to be a ban on all oil-fired furnaces, boilers, etc. and Mr. Surrette believes that is going to be difficult.

Lastly, Mr. Surrette asked Commissioners to keep in mind that the right of way for the rail line was given to Norfolk Southern by the property owners. If the rail line were to be abandoned, the property should revert back to the property owners. Those wanting to convert the rail line to a trail should be aware of that.

Ned Doyle: Mr. Doyle is a Henderson County resident. He has been following the bio-mass issue. Mr. Doyle believes the Planning Board's presentation this evening is a powerful argument for instituting a high impact land use ordinance.

Mr. Doyle also agreed with comments made earlier by Mr. Lewis that the reaction to the lady who was against the moratorium was very inappropriate. She is entitled to her opinion.

Lastly, Mr. Doyle commented that the language change to the moratorium addresses concerns that were raised by Commissioners and staff at various points about potential litigation from the developers. He noted that it does not ban oil-fired furnaces, boilers, etc. as Mr. Surrette stated. He urged Commissioners to pass the moratorium with the amended language.

#### COMMISSIONERS' COMMENTS

Commissioner Chappell said he attended a funeral earlier this evening for a family member who was part of this nation's greatest generation. He served in WWII and sacrificed so much for this community. Commissioner Chappell asked everyone to extend their appreciation to those left in the community while they are still here.

Commissioner Chapman commented that last week he visited the NC Biofuels Center in Oxford, NC. The Center may be out of business soon if they are defunded by the State. Commissioner Chapman applauded everyone involved with the bio-mass and moratorium issue, but he noted there are two sides to every issue. Commissioners intend to act on this matter at the next meeting.

#### ADJOURNMENT

There being no further business to come before the Board, **Commissioner Hogsed moved to adjourn the meeting, seconded by Commissioner Lemel and unanimously approved.**

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board