

**MINUTES  
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS  
April 28, 2014 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, April 28, 2014 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

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

Media: *The Transylvania Times* – Jeremiah Reed

There were approximately 50 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding called the meeting to order at 7:03 p.m.

**WELCOME**

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

**PUBLIC HEARING**

**REVISED DRAFT TELECOMMUNICATIONS TOWER ORDINANCE**

The Planning Board has been reviewing the County's Telecommunications Tower Ordinance over the last six months. It was adopted in 1996 and last amended in 2000. Staff felt there was a need to review the ordinance. Changes to NC General Statutes warranted a review as well. The Planning Board submitted a draft revision to County Commissioners. The Board of Commissioners held a lengthy public hearing on February 24, 2014. During the same meeting, Commissioners voted to enact a 90-day moratorium on all cell tower applications and instructed the Planning Board to incorporate into the draft ordinance the concerns expressed by the public, while making it a business friendly ordinance. Since the public hearing, the Planning Board met on four occasions to meet the objectives set forth by the Board of Commissioners.

Planning Board Chairman Wayne Hennie and County Planner Chris Hnatin explained the process the Planning Board and staff used to draft the ordinance and highlighted the changes via a Power Point presentation. This is a summary of the presentation:

**Objectives**

- Compliance with NC General Statutes (House Bill 664)
- Improve the application process – ensure business friendly and improve safety
- Discrepancies
- Address issues and concerns expressed in the public hearing on February 24, 2014

**Research and Process**

- Met with industry representatives
- Evaluated similar ordinances from other counties

- Specifically contacted Jackson and Stokes Counties
- Spoke with Rusty Monroe of The Center for Municipal Solutions

Top 10 Public Concerns (from the February 24, 2014 Public Hearing and in no particular order)

- Property values
- Preferred locations and prohibiting sites
- Towers in residential areas and on private roads
- Safety
- Tower heights
- Construction and maintenance damage
- View-shed protection
- Erosion and sediment control
- Emergency process
- Environmental protection

What Commissioners Want (as discussed on February 24, 2014)

- Clearly state location preferences
- Be sensitive to residential values, subdivisions, and private roads
- Aesthetics, including stealth and tower height
- Emergency access
- Ensure maintenance and damage control
- Provide evidence that other agencies handle additional public concerns
- Map existing towers
- Provide for technical assistance

Major Changes Recommended (Prior to February 24, 2014 Public Hearing)

- NC General Statutes (NCGS) updates
  - Health and safety
  - Proprietary issues
- Definitions
  - Consistent with NCGS
  - Consistent with other Transylvania County ordinances
- Exemption process
  - Removal or replacement towers
  - Ordinary maintenance
  - Wireless facilities on utility poles
  - Carrier on Wheels (COW's) placed for not more than 120 days
  - Non-commercial towers less than 60' in height
- Administrative Review process
  - Monopoles or replacement poles in public right-of-way
  - COW's over 120 days
  - Substantial modifications
  - Collocations

Major Changes Recommended (for February 24, 2014 Public Hearing)

- Certified mail and public notice – map with ¼ mile radius around proposed site so properties in the vicinity would be aware of a proposed tower
- Average canopy height calculated by surveyor
- Require copy of lease letter

- Stealth towers encouraged
- Fall zone – based on “engineered fall zone”; one parcel of land

All of the above changes remain in the draft ordinance.

New Recommended Changes (following February 24, 2014 Public Hearing)

- Purpose
  - Includes Telecommunications Act of 1996
  - Uniform framework for evaluating applications
  - Minimize adverse effects on property values
- Pre-application meeting required to address any concerns upfront
- Priority Locations for Towers
  - Existing telecommunications towers, water towers, or other structures
  - Utility easements or public rights-of-way containing overhead utility transmission and/or distribution structures that are 80’ or greater in height
  - Publicly owned property
  - Private property accessed by a state maintained road
  - Private property accessed by a private road
- Prohibited Tower Locations
  - Protected Mountain Ridges as defined by the Mountain Ridge Protection Act of 1983 and amended in 1985, and includes 100’ on either side of the ridge
  - If location proves towers would result in an acceptable risk to County residents, the public, or employees, and/or demonstrates a negative economic impact to the immediate area
- Visual impact assessment – photographic depiction of what the tower would look like
- Interference analysis – inter-modulation study, per County Communications Director Kevin Shook
- Private road agreement – showing that the private road would be returned to the condition in which it was found
- Compliance with federal, state and local regulatory codes
- Environmental compliance report
- Noise mitigation
- \$75,000 abandonment cash bond
- Tower height
  - Minimum height technologically required
  - 160’ preferred height
  - 180’ maximum height
  - Tower height + 50% to adjacent property occupied building
- Road construction with minimal land disturbance
- Retention of Expert Assistance
  - Technical compliance
  - Economic development impacts
  - Safety
- Appeal first to the County Commissioners
- Updated North American Datum (NAD) reference

The Planning Board and Planning Staff believe the items incorporated into the draft ordinance address the public’s concerns as stated during the Public Hearing on February 24, 2014, as well as the items Commissioners stated they wanted included in the ordinance. The draft was reviewed by the County Attorney and the UNC School of Government.

**Chairman Hawkins declared the public hearing open at 7:15 p.m.**

Edwin Jones: Mr. Jones said the draft ordinance has no recourse for the applicant if the application is denied. This is a concern for him.

Larry Wilson: Mr. Wilson said he feels like the ordinance has been written specifically for a select group of people and that the Planning Board meetings to address these issues were held during daytime hours to accommodate this group as well. He said all citizens should have the opportunity to be heard on all matters concerning the County. He believes it will take more than a few cell towers to ruin these beautiful mountains. Mr. Wilson feels the new ordinance infringes upon the private property rights of the citizens of Transylvania County.

Martha Cremer: Ms. Cremer encouraged Commissioners to approve the final draft ordinance. She thanked Commissioners for enacting the moratorium to allow time to carefully review and craft the best ordinance. She believes the new draft ordinance is a model ordinance for both citizens and the telecommunications industry. It also puts tower locations in the County's hands and allows concerns to be addressed prior to the application process. Ms. Cremer encouraged continued discussions between the County and telecommunications industry about appropriate tower locations to provide coverage in areas where it is lacking.

Christopher Banks: Mr. Banks reported that he must spend additional money to have cellular connection because there is no cell tower near his residence. This is a safety concern for him. He believes the County needs more cell towers to accommodate growing technology and the need for cellular service. Communities throughout the United States have installed stealth towers to help provide the service while not detracting from the beauty of those communities.

Linda Stadnick: Ms. Stadnick commended the hard work of the Commissioners, Planning Department and Planning Board and for putting forth a draft ordinance in a timely manner. She believes the draft ordinance positively addresses concerns expressed by the public. She also believes the balanced nature of the ordinance is reflected in the purpose statement which speaks to the need of ensuring availability of reliable wireless services to the public, specifying locations for towers, addressing noise mitigation and environmental concerns, etc. Further, the ordinance ensures that cell towers are developed in a way that is in the best interest of the citizens of Transylvania County.

Kathleen Barnes: In response to Mr. Wilson's comments, Ms. Barnes said she does not believe the public was excluded from this process. Furthermore, the residents of Cantrell Mountain are not opposed to cell towers, just the placement of towers. Ms. Barnes is in favor of the new draft ordinance and she urged Commissioners to approve it. The ordinance protects the environment and the character of neighborhoods. Ms. Barnes thanked the Planning Board, staff and the County Commissioners for taking the time to address concerns expressed by citizens. She agreed with comments made by Commissioner Lemel at a previous meeting that the County needs a comprehensive plan so that Commissioners are not put in a situation to pass another moratorium to deal with an issue. She hopes this ordinance, along with a high impact land use plan, will pave the way for Transylvania County to act in a proactive manner to address issues.

Liz Hill: Ms. Hill was in attendance representing the Carolinas Wireless Association and she is employed with American Tower. The Association provided some detailed comments in a letter to Chairman Hawkins. Ms. Hill expressed support for most of the revisions to the ordinance. However, in Section 18.10, she is concerned about the height requirements. She said the industry truly needs to know what height the County prefers. Ms. Hill thanked the Planning staff for their willingness to talk with representatives from the industry about their concerns.

Gary Pennington: Mr. Pennington is a representative of Verizon Wireless. He commented that the current ordinance has been an effective ordinance over the years. Verizon Wireless wants to be able to provide the best service and the latest technology to the citizens of this County. He understands the challenges that a mountainous community faces with cellular coverage and he said Verizon Wireless has a lot of respect for the natural beauty of Western North Carolina. Verizon Wireless considers itself good stewards of the environment and they recognize the need to work with and involve the community in new projects. He asked Commissioners to revisit some of the issues raised by the telecommunications industry.

Kathleen Barnes: Ms. Barnes asked that Commissioners make available to the public the letters and emails sent to them by the telecommunications industry.

Richard Fanning: Mr. Fanning is a representative of AT&T. He thanked staff, the Planning Board, Commissioners and citizens for their input on the ordinance. He said AT&T is encouraged because one of the consistent messages throughout this process was the desire for improved cellular coverage in Transylvania County. To that extent AT&T wants to make an investment in Transylvania County.

Betty Barnhill: (Clerk could not understand last name) She has a home off Cantrell Mountain Road. She thanked Commissioners and staff for putting forth the time and effort in proposing a better cell tower ordinance for Transylvania County. She thanked everyone for caring about the citizens of this community.

There were no further comments. **Chairman Hawkins declared the public hearing closed at 7:35 p.m.**

Chairman Hawkins reported that Commissioners intend for the ordinance to be an action item for the first meeting in May. He thanked all the members of the audience for their comments.

#### **PUBLIC COMMENT**

There were no comments from the public.

#### **AGENDA MODIFICATIONS**

The Manager reported on the agenda modifications. He requested to add a closed session per NCGS 143-318.11 (a) (4) to discuss matters relating to the location and expansion of business or industry.

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

#### **CONSENT AGENDA**

**Commissioner Lemel moved to approve the Consent Agenda. The motion was seconded by Commissioner Chappell.** Commissioner Hogsed requested an addendum to the February 25, 2014 minutes from the joint meeting with the Board of Education. The record is correct; however, Commissioner Hogsed learned immediately after the meeting that the Board of Education had in fact joined the lawsuit but there were still no costs involved. He asked that the minutes note this. **The motion was unanimously approved.**

#### MINUTES

The minutes of the February 25, 2014 Joint Meeting with the Board of Education were approved with the note as requested by Commissioner Hogsed.

PROCLAMATION-NATIONAL POLICE WEEK 2014

The week of May 11-17, 2014 is National Police Week with Peace Officers Memorial Day designated on May 15. Sheriff Mahoney has requested that the Board of Commissioners publicly recognize and salute the service of law enforcement officers in the community and in communities across the nation. This is an annual proclamation approved by the Board of Commissioners. Commissioners approved Proclamation 11-2014 National Police Week 2014.

(Proclamation 11-2014 National Police Week 2014 is hereby incorporated by reference and made a part of these minutes.)

PROCLAMATION-NATIONAL DAY OF PRAYER 2014

In 1988 both Houses of Congress adopted legislation declaring the first Thursday in May of each year as National Day of Prayer. Commissioners wish to designate May 1, 2014 as "A Day of Prayer in Transylvania County". The Board of Commissioners has adopted similar proclamations over the past few years. A National Day of Prayer ceremony will be held at the Courthouse gazebo on this date. Commissioners approved Proclamation 12-2014 National Day of Prayer 2014.

(Proclamation 12-2014 National Day of Prayer 2014 is hereby incorporated by reference and made a part of these minutes.)

PROCLAMATION-IN HONOR OF TRANSYLVANIA COUNTY'S CENTENARIANS

On Tuesday, May 13, 2014 from 1:00 p.m. to 3:00 p.m. there will be a ceremony at College Walk Retirement Community honoring all Centenarians in Transylvania County. The Board of Commissioners wishes to pass a proclamation recognizing these citizens who live in this community and congratulate them on reaching this milestone. Commissioners approved Proclamation 13-2014 In Honor of Transylvania County's Centenarians.

(Proclamation 13-2014 In Honor of Transylvania County's Centenarians is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION-IN OPPOSITION TO NEW FOOD AND DRUG ADMINISTRATION REGULATIONS FOR FARMERS

The 2011 Food Safety and Modernization Act (FSMA) "aims to ensure the U.S. food supply is safe by shifting the focus from responding to contamination of the food supply to preventing it". Under the FSMA the U.S. Food and Drug Administration's proposed rule would regulate the process by which spent brewers' grain and spent distillers' grain could be used as a source of feed for animal livestock. This rule would subject the grain byproduct to the same sanitary handling, records keeping, packaging and analysis regulations as manufactured livestock and pet food.

The American Malting Barley Association, Inc. has expressed opposition to the proposed rule citing a lack of scientific analysis showing the longstanding practice of using spent grain for livestock feed as being unsafe. Further the cost of compliance would virtually eliminate this practice resulting in the spent grain going to the landfill. With as many breweries in Western North Carolina as there are, there is a need for breweries and farmers to be exempt from this new proposed rule. Commissioners approved Resolution 14-2014 In Opposition to New FDA Regulations for Farmers.

(Resolution 14-2014 In Opposition to New FDA Regulations for Farmers is hereby incorporated by reference and made a part of these minutes.)

### UNSEAL CLOSED SESSION MINUTES

The Board of Commissioners has a policy that the County Manager and Clerk should review the sealed closed session minutes on a monthly basis with the County Attorney and make a recommendation to the Board about minutes that may be unsealed. Staff recommends unsealing the following:

1. November 25, 2013 - Per NCGS 143-318.11 (a) (5) concerning the potential acquisition of real property
2. February 17, 2014 - Per NCGS 143-318.11 (a) (5) concerning the potential acquisition of real property
3. February 24, 2014 - Per NCGS 143-318.11 (a) (5) concerning the potential acquisition of real property

Commissioners approved unsealing the closed session minutes as listed above and instructed the Clerk to make available for public inspection.

### **PRESENTATIONS/RECOGNITIONS**

#### IN RECOGNITION OF CARRIE W. FOREMAN

Carrie Foreman will retire from Transylvania County effective May 1, 2014. She has been an employee of the Library since March 2006 serving as Youth Services Librarian II. Chairman Hawkins read aloud the resolution and presented it to Ms. Foreman. Library Director Anna Yount and Commissioners expressed their heartfelt gratitude for her dedication to her work and for touching the lives of so many children and families in Transylvania County.

**Commissioner Lemel moved to approve Resolution 15-2014 In Recognition of Carrie W. Foreman. The motion was seconded by Commissioner Hogsed. The motion was approved unanimously.**

(Resolution 15-2014 In Recognition of Carrie W. Foreman is hereby incorporated by reference and made a part of these minutes.)

#### IN RECOGNITION OF CATHERINE V. ODOM

Cathie Odom will retire from Transylvania County effective June 1, 2014. She has been an employee of the Library since January 2006 serving as Youth Services Librarian I. Chairman Hawkins read aloud the resolution and presented it to Ms. Odom. Library Director Anna Yount and Commissioners expressed their heartfelt gratitude for her dedication to her work and for touching the lives of so many children and families in Transylvania County.

**Commissioner Lemel moved to approve Resolution 16-2014 In Recognition of Catherine V. Odom. The motion was seconded by Commissioner Hogsed. The motion was approved unanimously.**

(Resolution 16-2014 In Recognition of Catherine V. Odom is hereby incorporated by reference and made a part of these minutes.)

### **NEW BUSINESS**

#### APPLICATION PUBLIC BUILDING CAPITAL FUND NORTH CAROLINA EDUCATION LOTTERY

The Board of Education and the Board of Commissioners must approve project applications for the drawdown of lottery funds. The Board of Education is requesting approval for the drawdown of \$100,000 to help cover part of the project cost of the roof replacement at Brevard High School. The project has already been completed.

**Commissioner Lemel moved to approve the application for the drawdown of \$100,000 in lottery funds to help cover the cost of the roof replacement at Brevard High School. The motion was seconded by Commissioner Hogsed.** It was noted that this is the second drawdown of funds for this project. **The motion was unanimously approved.**

#### ANNUAL BAD DEBT WRITE OFF

The Health Director requested approval to write off bad debt in the Health Department. The amount is related to FY 2012 and reflects outstanding balances with no activity for one year since the date of service. Every effort is made to collect these balances prior to their establishment as bad debt. Of the total amount (\$1,144.40), \$648.50 is forwarded to the NC Debt Setoff program for collection (because the balance is greater than or equal to \$50.00) and the balance of \$495.90 is associated with individual balances less than \$50.00.

It is worth noting that the total amount is significantly lower than past years when balances have sometimes exceeded \$3,000. The department has strengthened intake processes, financial eligibility determinations, communication of payment expectations, and follow up correspondence for outstanding amounts. Some prior balances have also been resolved with debit/credit card payments.

**Commissioner Lemel moved to approve the recommended bad debt write off as endorsed by the Transylvania County Board of Health. The motion was seconded by Commissioner Chappell and unanimously approved.**

#### BUDGET AMENDMENTS

At the end of each quarter, the Finance Director provides a recap of the budget amendments that have been approved year-to-date and their impact on the fiscal year General Fund budget. Finance Director Gay Poor summarized the report, as follows:

Since the beginning of the year, the general fund budget has increased by \$1,328,346. The beginning budget for FY 2013-14 was \$44,499,235. The budget amendments have brought the budget up to \$45,827,581. The biggest portion of this increase occurred in the third quarter and was attributed to the transfer of funds for the renovation of the old library, vacations cashed out in lieu of time taken, and vacation paid out to terminated employees. The appropriations have come from fund balance transfers, carry-forwards from prior years, outside services and grants, Health Department fees, donations, and other sources.

**Commissioner Chappell moved to receive the report as submitted, seconded by Commissioner Lemel and unanimously approved.**

Ms. Poor also provided a brief budget update. She reported that revenues are projected to be higher. This is related to higher sales tax revenues and a higher property tax collection rate than what was budgeted. Expenditures are expected to be lower as well and at this point staff expects there to be a surplus in the range of \$500,000 to \$1 million.

Chairman Hawkins inquired further about the magnitude of the increase in the sales tax over what was budgeted. Ms. Poor reported that the increase is 3.8% above this same time last year. Some other items are more favorable as well.

#### MANAGER'S REPORT

1. Renovation of the old library progresses. An additional office has been included upstairs for future growth.



2. All of the former residents of the Rodeway Inn have been relocated. Thanks to all the agencies that helped transition approximately 44 people to other lodging facilities.
3. Work continues on phase one of the Silvermont project with an estimated completion date within two weeks. Staff will then issue a Request for Proposal for the second phase which is the renovation of the Sun Room. The County received a \$10,000 grant for this project.
4. The budget process continues and a schedule for the budget workshop is as follows:

Tuesday, May 27, 2014 -Rogow Room, 6:00 p.m.-10:00 p.m.

Thursday, May 29, 2014-Community Services Conference Room, 6:00 p.m.-10:00 p.m.

Monday, June 9, 2014-Rogow Room, 6:00 p.m.-10:00 p.m.

Tuesday, June 10, 2014-Community Services Conference Room, Noon-3:00 p.m., if needed

Wednesday, June 11, 2014-Rogow Room, 6:00 p.m.-until, if needed

The public hearing will be held during a regular meeting on June 23, 2014. A special meeting to approve the budget will be held on June 30, 2014.

5. The first review of a draft layout of the Courthouse expansion was held with stakeholders. Moseley Architects is reviewing the draft plans to incorporate the changes noted during the final review.
6. Architect Rich Worley has drafted the first alternative use of the old Detention Center for use by the Board of Elections and Employee Health Clinic. Staff continues to look at other alternatives.
7. Staff is working with two companies to develop incentive packages that will enable them to expand in Transylvania County.

The first is to retain company "X" that was recently purchased by another company which could potentially relocate the equipment to another state. The proposed incentive package for company "X" is a performance based incentive grant and is based on the hiring of 80 new jobs over a three-year period at an average wage of \$12.25 per hour. The company estimates to make a capital investment of \$12.1 million over the next five-year period. The NC Department of Commerce will provide \$1,000 per job which must be matched by the County at \$1,000 per job. In addition, the County will provide a 50% payback of ad valorem taxes resulting from new capital investment made by the company over the next five-year time frame. Without the incentive package the County would see the business move to another state.

The second involves working with company "Y" on resolving environmental issues that will enable the company to expand here and not in another state. With the expansion, company "Y" is estimating to hire 48 people over the next three-year period and to make an investment of \$6 million. The County is working with the NC Department of Commerce and other agencies regarding funding. The details are not yet complete.

Commissioners will need to hold a public hearing on the incentive package for company "X" at the next Board of Commissioners' meeting on May 12. The public hearing on company "Y" will be held at a meeting in the near future. NC General Statute requires a 10-day public notice.

8. Bids are due on the next phase of the Community Park today. Staff intends to bring the bids forth for approval at the first meeting in May.
9. Architect Rich Worley is preparing a rendering of how the Register of Deeds and Tax Administration Building can be modified to make it more attractive and fit in with other County buildings.
10. Followed up on the news article about Norfolk Southern selling a portion of their rail lines in Buncombe, Henderson and Transylvania Counties and learned that Norfolk Southern is discussing the potential lease or purchase of some lines with a short line operator, but the commitment is still for service for industrial users.

11. Representative Whitmire put out an announcement today regarding the plans for the Pisgah and Nantahala National Forests. The comment period ends today. Should Commissioners have any comments they need to be submitted tonight.

Chairman Hawkins thanked Commissioners for working out a schedule for the budget workshops. It was a difficult process working around everyone's schedules.

### **PUBLIC COMMENT**

Martha Gale: Ms. Gale thanked staff for their work on revising the telecommunications tower ordinance and for working very closely with the public. She commented that citizens have not been able to hear the concerns addressed by the telecommunications industry. She wondered what the next process would be for moving forward and if another public hearing is required if additional revisions are made.

### **COMMISSIONERS' COMMENTS**

Commissioner Chappell thanked those citizens who are working the polls during early voting and for the service they are providing to citizens. Those individuals put in very long hours to ensure the rights of citizens to vote. Commissioner Chappell urged everyone to thank them when they go to the polls to vote.

Commissioner Lemel reported on her County Commissioner activities over the past two weeks. She attended the City Master Plan presentation on how the City will be developing the streetscapes in downtown Brevard. She is the County Commission representative to the Smart Start Board and attended the recent meeting. She has been involved with several meetings with businesses the Manager referenced in his report in an effort to determine ways to help businesses in the community grow and develop. Commissioner Lemel, along with Chairman Hawkins, enjoyed a lunch meeting with Karen Gleasman, Chair of the Independent Economic Development Task Force. She and the Manager participated in the opening of the Senior Games at the Parks and Recreation Department. Commissioner Lemel and Chairman Hawkins met with Jeannie Falknor to talk about the Silvermont renovation project. She encouraged the public to make a donation toward this project. Lastly, Commissioner Lemel submitted a letter to *The Transylvania Times* thanking the Sheriff's Office. She suffered a theft at her home and the Sheriff's Office was able to provide timely resolution to this issue. She attested to the officers' professionalism, dedication and timeliness in responding to citizens.

Commissioner Hogsed thanked staff, members of the Planning Board and the public for their involvement and work on the telecommunications tower ordinance.

Chairman Hawkins also thanked the Planning Board and staff for their work on the telecommunications tower ordinance. He reported that the Board of Health is trying to appoint an interim director and they are working very hard on that. He reminded the public that the Manager is retiring and this month's issue of the NC Association of County Commissioners newsletter has featured an article on him. He noted that the Manager is held in high regard across the State.

The Manager responded to Ms. Gale. He stated that Commissioners intend to review the proposed ordinance and make changes based on other comments made. Another public hearing is not required. Commissioners can vote on the draft ordinance at the next meeting. Planning and Economic Development Director Mark Burrows added that staffs will post on the website the written comments received, as well as any legal responses from the County Attorney and the UNC School of Government. It will then be up to the Board of Commissioners on how to move forward. He reminded Commissioners that the moratorium expires at the end of May.

**Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (4) to discuss matters relating to the location or expansion of business, after a 5 minute recess. The motion was seconded by Commissioner Hogsed and unanimously carried.**

#### **CLOSED SESSION**

Per NCGS 143-318.11 (a) (4) to discuss matters relating to the location or expansion of business, closed session was entered into at 8:27 p.m. Present were Chairman Hawkins, Commissioners Chappell, Hogsed and Lemel, County Manager Artie Wilson, Planning and Economic Development Mark Burrows, County Attorney Tony Dalton, and Clerk to the Board Trisha Hogan.

Planning and Economic Development Director Mark Burrows updated Commissioners on a potential economic development project and received instruction on how to proceed.

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

#### **OPEN SESSION**

**Commissioner Chappell 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. The motion was seconded by Commissioner Hogsed and unanimously approved.**

#### **ADJOURNMENT**

There being no further business to come before the Board, **Commissioner Chappell 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