

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
March 27, 2017 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, March 27, 2017 at 7:00 p.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 Tony Dalton, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Derrick McKissock
WLOS News – Frank Kracher

There were approximately 150 people in attendance. Commissioners Chambers was standing room only.

CALL TO ORDER

Chairman Larry Chapman presiding declared a quorum was present and called the meeting to order at 7:02 p.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

PROPOSED INCENTIVE GRANT TO LE PARC LLC

NCGS 158-7.1 requires boards of commissioners to conduct a public hearing prior to approval of appropriations for economic development purposes. The public hearing was advertised in accordance with NCGS 158-7.1.

The Transylvania County Board of Commissioners is considering a proposed incentive grant to Le Parc LLC. Prior to opening the public hearing and for the benefit of the public, developer Josh Leder made a brief presentation to the Board. He did not offer specific details of the project at this time. Following Mr. Leder, Transylvania Economic Alliance Executive Director Josh Hallingse described the details of the proposed incentive. The proposed incentive grant has been placed on the agenda under New Business for action by the Board at this meeting. This is a summary of the proposals followed by comments from the public.

Le Parc LLC

Josh Leder is a local developer who is currently involved in several projects in Transylvania County. He pointed out that one of the reasons for his success in bringing development projects to fruition is due to the support of the community. When Glen Cannon became available for purchase, he met with County Management and Commissioners to talk about how the property can serve Transylvania County into the future. Mr. Leder reported he has spent the last two plus years exploring opportunities to develop the property. He noted that the property is limited, but it deserves much better, and it should be something that is a complement to the community. He plans to build a resort that incorporates what he calls the “best ingredients of Transylvania County”. The development plans include a resort, restaurant, spa and

activities for tourists and residents and it is his goal that it will become an extension of the community. He believes it will also provide an opportunity for adults that came here for summer camp as children a place to visit and reconnect to their childhood, just as he has.

Mr. Leder reported that he hired consultants to conduct a feasibility study to determine if a resort concept is viable and he received great response from the upper echelon of the resort sector that this would be a suitable market for a resort. He believes that having a higher end resort opportunity would benefit the future of Transylvania County. He pointed out that thousands of people visit this County annually, but accommodations are very limited to them. Transylvania County is essentially losing an opportunity to host people who are here for events and activities and therefore bypassing a chance to attract potential new residents and businesses. Mr. Leder stated the prospect of working with both Brevard and Transylvania County governments to help him attract this level of development is positive and he cannot do it without their assistance.

Transylvania Economic Alliance

Josh Hallingse, Executive Director of the Transylvania Economic Alliance (Alliance) presented information on the proposed incentive grant. The Alliance focuses on six separate target markets, including tourism. The County falls short in the area of accommodations with just over 400 rooms split between two traditional hotels and several smaller lodging establishments. The business community has expressed that we lose opportunities to retain spending within the local market because we do not have sufficient accommodations both from a volume and lifestyle standpoint.

Mr. Hallingse reported that Mr. Leder and his company approached the Alliance about the concept of transitioning an asset that was formerly a golf course to a resort property. From a public standpoint, the Alliance wanted to know what the specific outputs would be in terms of job creation, wages, and investment. Mr. Hallingse described the project that has been named “Blue Ridge Falls”, as follows:

Project Overview

General development parameters

- 75 acres
- Casual-luxury sustainable wellness resort
- 124 hotel rooms
- Clubhouse, spa, activity barn
- Onsite dining and entertainment venues
- Limited number of branded cottages and residential opportunities

Ownership due diligence

- Site control
- Phase 1 ESA (environmental study)
- 3rd party market feasibility report
- Preliminary master planning, civil engineering, architectural designs and cost projections
- Financial source and use information

Notes

- Landowner has a 40 year history in Transylvania County and is actively engaged in redevelopment opportunities
- Embrace the community and create a sense of place that complements the existing outdoor recreation sector in the community

Economic Development Incentive Policy

Mr. Hallingse applied the projected investment and outputs into the County's adopted incentive policy to develop a proposed incentive grant. It is a formulaic process that ensures fairness and equity throughout the process.

Project overview

- \$31,659,198 net new taxable investment
- 80 full-time positions
- 80-90% of net new property tax generated by the investment for a period of 2-6 years (grant back to developer in form of performance based grant)

Score card (100 points)

- Investment
- Job creation at a specific wage level (average wage in Transylvania County is \$31,800 or \$16/hour)
- Complementary to existing business
- Company headquarters
- Expansion of existing business

Project score

- 85 out of 100

Purpose of Incentive Agreements

- Encourage and support new business development and expansion through retention, recruitment and entrepreneurial endeavors
- Promote job creation and taxable investment
- Evaluation of individual business plans is typically not the purview of the economic development organization or local governments
- Performance-based with specific deliverables; no upfront monies from local government; annual reporting required from developer; developer required to pay taxes; grant back to company a percentage of net new tax base created by the project
- Target markets are focused on commercial and industrial activities due to the net positive impact to the tax base of the community versus the local government services consumed
- Infrastructure development and connection to local utility infrastructure is typically funded by the private sector (grant opportunities can sometimes be accessed for job creation projects with specific construction timetables and deliverables)

Next Steps

Transylvania County Board of Commissioners to authorize staff to draft formal communications to project stakeholders which specifies the existing incentive policy and the Board's support of this project, to include:

- Define the general use and development parameters of the project
- Define the expected job creation, associated average employee wage levels and taxable capital investment thresholds
- Specify general incentive thresholds and dollar amounts for consideration
- Demonstrate the community's expectation that a formal performance-based incentive agreement be developed prior to the ownership group
- Expectation that the project will commence within 3 years of issuance of the letter of support

This concluded the presentations. Chairman Chapman called for comments and questions from Commissioners prior to opening the public hearing.

Commissioner Hawkins asked if the average wage of \$31,800 includes an allowance for benefits or if the benefits are additional. Mr. Hallingse informed Commissioners that the benefits are additional.

Commissioner Hawkins noted that not every job created by this development would be equal to the average wage in the County. Mr. Hallingse confirmed. The net average of the total number of jobs created is used to determine that factor which is standard practice across North Carolina.

Commissioner Hawkins inquired about the time frame in which the \$32 million investment would be made. Mr. Hallingse stated it would depend on the start date of the project. Currently, the developer is in the due diligence phase. Job creation would take place over the life of the incentive agreement which would be a period of six years from the start of the incentive policy.

Commissioner Hawkins asked when the incentive grant would begin. Mr. Hallingse stated this is at the discretion of the Board and would be structured during the development of the performance-based incentive agreement; however, the project is not yet at that phase. He stated it is important that the project show incremental growth over the period of the incentive.

Chairman Chapman asked for clarification on what is being asked from the Board this evening. Mr. Hallingse stated he will need direction from the Board. The Alliance is interested in job creation, investment, and ensuring the highest and best use of this property. To move it forward, it is important that the public's interest is expressed here tonight.

Chairman Chapman declared the public hearing open at 7:36 p.m.

Greg Ayres: Mr. Ayres is President of Glen Cannon Property Owners Association. The Association recently completed an opinion survey of the community and it indicated a large level of support for the resort. The support was not unanimous and Mr. Ayres feels this is due to residents not being provided with enough detail about the project. Residents support Mr. Leder's property rights, but residents want to be involved in the process. The Association would like to engage Mr. Leder in pursuing his project, with the expectation that the development is consistent with the residents' objectives and the well-being of the people in Transylvania County.

Ray Miller: Mr. Miller is a resident of Glen Cannon. He stated there are many people concerned about what the future holds for that property. Part of the problem is that there has been little information made available about the proposal. In addition, being that the County has no land use regulations, he said there is uncertainty about what kind of protection would be provided to the residents. Mr. Miller stated he supports the developer's concept as the highest and best use for the property, but he thinks the County and City must ensure that the concerns of the property owners are considered, to include property valuation and quality of life.

John Gardner: Mr. Gardner is a resident of Glen Cannon. He is concerned with the many unknowns about this project. Mr. Gardner stated that residents of Glen Cannon will be immediately affected by the Board's decision. He believes the residents are entitled to more information than what they have been presented at this point. He commented that this is a huge project and he believes there are other areas in which tax dollars should be spent, such as schools. Mr. Gardner wanted to know who will be responsible for paying for the new roads, water and sewer, junction improvements, electricity to the site, etc. He also questioned the average wage cited because hospitality and tourism jobs usually offer much lower wages

with no benefits. Mr. Gardner reiterated that he and his neighbors want more information before the Board acts on this proposal.

Richard Thomas: Mr. Thomas is a resident of Glen Cannon. Mr. Thomas stated he supports the resort concept, but he has questions about specifics. He asked Commissioners to consider the business plan and job creation proposal, noting that tourism jobs usually pay lower wages, before granting approval.

Murphy Smith: Mr. Smith is a resident of Glen Cannon. He asked if there is a staffing or operations plan that outlines the type of job creation. Furthermore, he inquired about the process by which the incentive grant is paid out to the developer.

Butch Byrd: Mr. Byrd inquired about what percentage of the jobs created will be for County residents versus non-County residents. He also shared concern about how this resort will attract people to Transylvania County.

Kathleen Pearsall: Ms. Pearsall is a resident of Glen Cannon. She would like Commissioners to address how important the property tax from this project will be to the County's budget.

Janet Katlin: Ms. Katlin is a resident of Glen Cannon. She inquired about how much additional tax revenue Commissioners expect from this development. She also wanted to know if a cost-benefit analysis had been prepared and if this project fell within the public domain.

Alex Brannon: Mr. Brannon is a resident of Glen Cannon. He feels this project could be an asset to the community and Glen Cannon, but he would like to know more details about the proposal. He wanted to know what would happen if the project did not materialize and how that might impact property values and the tax base.

Rick Anderson: Mr. Anderson is a resident of Glen Cannon. He stated that his property will be affected by this development. His hope is that the end product will be beautiful, but he is concerned about the impact the construction will have on residents over a lengthy period in addition to the road improvements being made on Wilson Road by the NC Department of Transportation. He supports the project, but wants to ensure these issues are well thought out.

Darren Blum: Mr. Blum is a resident of Glen Cannon. He said his property will be directly impacted by this development. He stated he is very happy about Mr. Leder's proposal and that it will benefit the community. He felt positive that the issues stated here tonight will be worked out and was excited to hear there is a lot of support from the residents.

David Watkins: Mr. Watkins is a resident of Glen Cannon and serves on the Transylvania Economic Alliance Board of Directors. He suggested instead of the incentive grant becoming automatic if certain criteria are met, that Commissioners should use it as leverage to encourage the developer to meet with the residents of Glen Cannon to discuss the project details. He said the residents there want to embrace Mr. Leder's vision, but they want it to be compatible and enhance their quality of life. In addition, he noted that Mr. Hallingse's presentation indicated the project encompassed 75 acres and he wanted to know what is intended for the additional 75 acres of the former golf course.

Charles Gilmore: Mr. Gilmore is a resident of Glen Cannon. He stated he is in favor of the project concept, but he is concerned with the lack of details. He hopes Commissioners will consider the projected 2-6 year build out and what happens if the economy changes during that time.

Chairman Chapman declared the public hearing closed at 8:00 p.m.

DRAFT PENNSYLVANIA COUNTY 2025 COMPREHENSIVE PLAN

During their regular meeting on March 14, 2017, the Board of Commissioners instructed staff to schedule a public hearing for the March 27, 2017 meeting. The public hearing was advertised accordingly.

The development of the draft Pennsylvania County 2025 Comprehensive Plan was a joint effort and included extensive public input. The draft plan is available online for the public's review. Chairman Chapman stated it is the intention of the Board to adopt the plan after receiving further input during this public hearing. The Comprehensive Plan is critical in the Board's strategic planning process and helps drive the budget.

Chairman Chapman declared the public hearing open at 8:06 p.m.

Judith West: Because of the level of public participation involved and the Board's sentiment that they do not want this plan to just sit upon a shelf, Ms. West stated she believes Commissioners are committed to making the Comprehensive Plan a guide for the future. She commented that growth will not be without controversy and disagreement, but without planned and intentional growth we will not survive and thrive as a community. She thanked the Board for their support and urged Commissioners to adopt the Plan.

Kathleen Barnes: Ms. Barnes served as a community advocate during this process. She stressed that a lot of work went into developing this Plan by staff, Planning Board and citizens and she commended everyone for their hard work in creating a document that will serve the people of this County. Ms. Barnes pointed out, just as was pointed out in the first public hearing, that people are concerned with land use. The Comprehensive Plan does not address zoning, land use, or high impact land use. To her, this is the only shortcoming with the Plan. She thanked current and past Planning Board members for their service to the County.

Maureen Copelof: Ms. Copelof worked on the development of the Comprehensive Plan during her service as a member of the Planning Board. She emphasized that this Plan is more than just a recommendation from the Planning Board; it comes from the input of thousands of people during the community input phase. She noted that the Planning Board also reviewed more than 30 plans from other counties. There was a tremendous amount of research, discussion, and listening that went into this process. Ms. Copelof believes the draft before Commissioners is a good plan and that the diversity of the people in this County are reflected in it. She urged Commissioners to adopt the Plan as presented noting that growth is going to happen and it should be done in a very reasonable and planned method.

John Johnson: Mr. Johnson pointed out that many of the issues with the Glen Canon project could be avoided by having a land use plan in place. He reminded the Board about action they have taken with regards to land use planning in Pisgah Forest and he encouraged Commissioners to continue with similar planning. He said there is nothing to prohibit the Glen Canon project from becoming a factory because of the lack of a countywide land use plan.

Lee McMinn: Mr. McMinn urged Commissioners to adopt the Comprehensive Plan. He also served as a community advocate and attended several meetings. Mr. McMinn stated that while it is not a perfect Plan it does represent the input of thousands of constituents that have identified where they want the County to be in 2025. He emphasized that it will be incumbent upon the Commissioners and Manager to translate the Plan into actionable items that produce results. He closed by saying that if even half of the Plan is translated into action by 2025 that the Board will have his everlasting support and appreciation.

Susan Sunflower: Ms. Sunflower spoke on behalf of the native plant and pollinator supporters in the County. She commended the Planning Board and staff for their incredible work thus far. She especially noted the stated importance of native plants in the Plan. She was very supportive of the environmental focus of the Plan. Ms. Sunflower suggested one change on page 28 of the Plan that referred to having vegetation buffers that separate special use from neighborhood land use. She suggested the addition of the word “native” vegetation. Otherwise, she is supportive of the Plan.

Elda Brown: Ms. Brown reiterated Mr. McMinn’s comments that it is up to the Board and others to put this Plan into action. She asked Commissioners to make the commitment to the adoption and implementation of the Plan.

Commissioner Chappell noted that Superintendent of Transylvania County Schools Jeff McDaris offered some comments to Commissioners via email. Chairman Chapman requested that those comments be introduced during the Board’s discussion later in this meeting.

Chairman Chapman declared the public hearing closed at 8:19 p.m. Chairman Chapman thanked the members of the Planning Board, staff and public for their input.

PUBLIC COMMENT

Dale Whitlock: Mr. Whitlock is Chief of the Transylvania County Rescue Squad. Mr. Whitlock reported that the Rescue Squad’s nonprofit status has been reinstated retroactive to the date it was revoked and is in compliance with all State and federal regulations with regards to the nonprofit status. He thanked the Board, staff and public for their support during this difficult situation.

AGENDA MODIFICATIONS

There were no agenda modifications.

Commissioner Chappell moved to approve the agenda as submitted, seconded by Commissioner Phillips and unanimously approved.

CONSENT AGENDA

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

MINUTES

The Board of Commissioners met in regular session on Tuesday, March 14, 2017. The minutes were approved as submitted.

DISCOVERY, RELEASE AND MONTHLY SETTLEMENT REPORT

The Tax Administrator prepares a listing of proposed releases for each month and it is the responsibility of the Board of Commissioners to approve the report. For February 2017, there were no releases and refunds totaled \$7,531.82. The February 2017 Report was approved as submitted.

PROCLAMATION-NATIONAL SERVICE AND VOLUNTEER RECOGNITION DAY

Land of Sky Regional Council’s Area Agency on Aging requested that each city and county in its region support a proclamation for National Service and Volunteer Recognition Day which will occur on April 4, 2017. The purpose is to thank those who serve and recognize the positive impact of national service in

our communities. Commissioners approved Proclamation 04-2017 National Service and Volunteer Recognition Day which is hereby incorporated by reference and made a part of these minutes.

CLARIFICATION OF REIMBURSEMENT PROTOCOL FOR HEMLOCK COST SHARE PROGRAM

The current guidelines of the Hemlock Cost Share Program fixes the prices contractors are allowed to charge for a job at which landowners are reimbursed 50% of the cost. Staff believes this is too restrictive and may prohibit contractors and landowners from participating. Staff proposed a solution to fix the rate at which landowners are reimbursed at 50% of the standard cost for a general treatment. The intent is to make the entire process easier and more efficient for all parties involved. Commissioners approved the modification of the guidelines and policies as requested.

PROCLAMATION-NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

The second week in April is permanently recognized as National Public Safety Telecommunications Week to honor the thousands of men and women who respond to emergency calls, dispatch professionals and equipment and render life-saving assistance to the citizens of the United States. Commissioners approved Proclamation 08-2017 National Public Safety Tele-communicators Week which is hereby incorporated by reference and made a part these minutes.

RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES

Sheriff Mahoney requested the Board of Commissioners adopt Resolution 09-2017 to allow the Sheriff to enter into mutual assistance agreements with other law enforcement agencies in accordance with reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies. A resolution must be approved annually. Commissioners approved Resolution 09-2017 Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies which is hereby incorporated by reference and made a part of these minutes.

PRESENTATIONS/RECOGNITIONS

FY 2017-18 BLUE RIDGE COMMUNITY COLLEGE OPERATING AND CAPITAL BUDGET REQUESTS AND FACILITY CONDITION ASSESSMENT PROGRAM REPORT

On March 13, 2017, the Blue Ridge Community College Board of Trustees approved their FY 2017-18 Operating and Capital budget requests and the Facility Condition Assessment Program 5-year report. Blue Ridge Community College President Dr. Molly Parkhill presented an overview of the College's FY 2017-18 Budget request for the Transylvania County campus.

Operating Budget

The FY 2017-18 request is for \$363,439, a 5.23% increase over last year's approved budget. The additional request is due to increased utility costs as notified by Duke Energy. In addition, the campus has made available more course offerings with the CNC machining program and intends to offer college courses for high school students in the fall. Dr. Parkhill noted those machines use a lot of electricity which also leads to higher utility costs. Included in this request is a cost of living increase for plant operations personnel. There were also slightly higher costs for security on the local campus as well.

Capital

The FY 2017-18 request is \$58,300. The details were outlined in the report in the Board's packet. In addition to the bond funds earmarked for FY 2016-17, the College intends to spend the remainder of the bond funds in the amount of \$244,495. Those funds will be earmarked for expansion of the CNC machining program, as well as additional classrooms that will be added onto the Strauss Building. Total capital spending for FY 2017-18 is projected to be \$302,795.

Dr. Parkhill will be retiring effective July 1. Commissioners expressed to her that it has been a joy to work with her over the last several years and thanked her for all she has done for Transylvania County. Dr. Parkhill stated that Transylvania County has been very gracious to Blue Ridge Community College. She noted that the College has been able to realize savings in their operating budget this year thanks to County Maintenance staff assisting with some of their maintenance issues.

SHERIFF'S OFFICE SEMI-ANNUAL BUDGET UPDATE

Sheriff David Mahoney provided Commissioners with his semi-annual budget update which included accomplishments and trends and how those trends may impact his budget requests for the upcoming fiscal year. This is a summary of his presentation.

Trends (over last 12 month period)

- Answered over 13,000 calls for service which accounted for 18,361 man hours
- Average response time down by approximately 30 seconds, averaging 9 minutes, 1 second
- Average length of stay in jail for inmates is 14.5 days
- Average daily jail population is 77 inmates
 - Local inmate population averaged 35-40 inmates and is consistent with previous years
 - Other inmates housed for other counties or through State Misdemeanant Confinement Program and produce revenues for the County
- Revenue from other counties down slightly due to counties building new facilities or expanding existing facilities, or reducing populations through bond reduction
- Revenues
 - Housing out-of-county inmates generated \$426,900
 - State Misdemeanant Confinement Program generated nearly \$200,000
 - Inmate commissary and telephone program brought in almost \$31,000; funds allocated toward tuition assistance program as a recruitment and retention tool
 - Four current participants and anticipate additional in the fall
- Inmate work crew continues to perform various projects for City and County agencies
 - Contributed more than 200,000 man hours generating a savings of \$158,000

Progress on FY 17 Goals

- Bring Special Response Team to NIMS type 3 certification level
 - One item lacking to meet goal: tactical rescue vehicle
 - Vehicle not funded in FY 2017, but included as a request in the FY 2018 budget
 - Safety issue
 - Federal government made changes preventing counties from obtaining surplus equipment and resulted in loss of tactical vehicle for City of Brevard
 - Current tactical vehicle is 1980's pickup truck
- Archival of records through scanning project
 - Currently scanning old criminal records
 - Project will expand over two budget cycles
- Track number of youths impacted by DARE and other youth programs
 - Identified over 700 students that participate in DARE program
 - Reached over 300 youths through various social events in an effort to create positive relationship between law enforcement and youth and promote good clean fun
 - DARE Camp and Shield Camp bring in another 30 participants each
- Implementation of victims' advocacy program
 - Not funded in FY 2017, but able to find efficiencies within office to allocate hours to this program

- Connected 269 victims with much needed resources and assisted them with navigating through the process
- For unattended or traumatic deaths, was able to reach out to families with resource connections and condolences

This concluded the presentation. Chairman Chapman called for questions and comments from Commissioners.

Commissioner Phillips asked if Sheriff Mahoney anticipates a rise in federal inmate confinements due to the increase of ICE raids in an effort to comply with immigration laws. He saw this as an additional revenue source as well. Sheriff Mahoney stated that his budget request does not include any anticipated revenue for federal inmates. He noted that his office was approached by a representative of the Charlotte ICE Division to determine if Transylvania County might be interested in short-term housing of federal inmates. Sheriff Mahoney said this discussion is ongoing, but no commitment has been made.

Commissioner Chappell commended Sheriff Mahoney for sponsoring the youth programs because they have a positive impact on the community. He also reminded everyone that previous Board's decisions to construct a jail of such magnitude was met with great opposition, but the Board had foresight and believed it could bring in revenue for the County. Commissioner Chappell asked Commissioners to keep this in mind as the Board considers future capital projects, noting that although the plan for the Public Safety Facility was not popular, it was the right decision and it is paying off today. Sheriff Mahoney added that since moving into the new facility the jail has exceeded gross revenues of \$2 million.

OLD BUSINESS

AUDIT FEE INCREASE

At the previous meeting, Finance Director Gay Poor relayed to the Board of Commissioners that Martin Starnes & Associates notified the County of an increase in their audit fee for FY 17. The Board authorized the Finance Director to contact additional firms. Only one firm submitted a quote and it was higher than Martin Starnes' revised fee. One other firm that had bid on the audit contract in 2016 also quoted a higher fee. Ms. Poor recommended Commissioners enter into a contract with Martin Starnes for the FY 17 audit at the increased fee of \$44,000 and consider renegotiating the contract with Martin Starnes for FY 18.

Commissioner Lemel moved to enter into a contract with Martin Starnes for the FY 17 audit at the increased fee of \$44,000 and to encourage staff to renegotiate the contract and seek other bids for FY 18. The motion was seconded by Commissioner Chappell. Commissioner Phillips inquired about how long it has been since the County changed auditors. Ms. Poor reported that the County switched auditors in FY 2010. Chairman Chapman commented that it is good business to change auditors every few years. Ms. Poor noted that staff intends to start the bid process for the audit in January 2018. **The motion was approved unanimously.**

ADOPTION OF DRAFT TRANSYLVANIA COUNTY 2025 COMPREHENSIVE PLAN

Planning and Community Development Director Mark Burrows presented this item. As required, a public hearing was held on the Draft Transylvania County 2025 Comprehensive Plan earlier in the meeting. There has been a tremendous amount of public input into this process. Mr. Burrows stated he would make the verbiage change as requested during the public hearing and in an email that was forwarded to the Board earlier today if the Board approves. He requested approval of the Draft Plan as a final document.

Commissioner Lemel moved to approve the 2025 Comprehensive Plan. The motion was seconded by Commissioner Phillips. Commissioner Lemel recognized the efforts of Jackie Whitmire who recently passed away. Ms. Whitmire brought the voice of the agriculture community to this process and represented the diversity of our community. Mr. Burrows added that Ms. Whitmire was able to bridge conversations of opposing views. Commissioner Chappell requested that the comments from the public hearing and the email be incorporated into the draft before publishing the final document. Commissioners were in agreement. Commissioners expressed their appreciation for all the work that went into this effort. **The motion was unanimously approved.**

NEW BUSINESS

PROCLAMATION-MONTH OF THE YOUNG CHILD & COUNTY RESOLUTION

Smart Start Executive Director Deborah Tibbetts requested Commissioners proclaim the month of April 2017 as Month of the Young Child. The purpose of the proclamation is to focus public attention on the needs of young children and their families, to recognize the early childcare programs and services that meet those needs, and to thank and recognize early childhood educators who care for and educate the youngest children in our community.

In addition, the Manager requested approval of a resolution in support of the Early Childhood Initiative and child development programming. The purpose of the resolution is to reaffirm the commitment the County has had to children in our community age 0-5. The County is proud of the successful collaborations that have resulted from the Early Childhood Initiative since its inception in May 2015 and is committed to remaining a partner alongside other agencies and organizations working to see a better life for our children.

Commissioner Lemel moved to approve Proclamation #06-2017 Month of the Young child and Resolution #07-2017 In Support of the Early Childhood Initiative and Child Development Programming. The motion was seconded by Commissioner Phillips. Commissioner Lemel read aloud Resolution #07-2017 for the benefit of the public. Commissioner Lemel and the Manager were commended on their efforts in the formation of the Early Childhood Initiative Task Force. **The motion was unanimously approved.**

(Proclamation 06-2017 Month of the Young Child and Resolution 07-2017 In Support of the Early Childhood Initiative and Child Development Programming are hereby incorporated by reference and made a part of these minutes.)

PROPOSED INCENTIVE GRANT TO LE PARC LLC

The Manager informed Commissioners that the recommendation is to authorize staff to draft a formal letter to the developer which specifies the existing incentive policy and the Board's support of this project. The letter shall include the following:

- Define the general use and development parameters of the project.
- Define the expected job creation, associated average employee wage levels and taxable capital investment thresholds.
- Specify general incentive thresholds and dollar amounts for consideration.
- Demonstrate the community's expectation that a formal performance-based incentive agreement be developed prior to the ownership group.
- Expectation that project will commence within three years of issuance of the letter of support.

Commissioner Lemel moved for approval of the proposed incentive grant to Le Parc LLC. The motion was seconded by Commissioner Chappell. Commissioners were concerned about the

misinformation the public expressed during the public hearing with regards to the incentive policy and property taxes and stressed that no upfront monies will be given to the developer. The grant is strictly performance-based and if the developer does not achieve a certain level of investment and create a specific number of jobs, the developer no longer qualifies to receive incentives. In addition to the aforementioned criteria, the developer must pay the property taxes assessed on the property. Once these standards are met the developer would be granted back a percentage of the taxes paid for a specified time period. Another citizen mentioned that tax dollars could be spent more wisely, such as on education, but Commissioners stated this is not so because the tax dollars do not yet exist. Commissioners supported the project, but were disappointed that Mr. Leder did not provide a more detailed presentation this evening to help alleviate concerns and answer questions from his neighbors in Glen Cannon. Mr. Leder intends to make a presentation to Brevard City Council in the coming months and hopefully he will use that opportunity to offer more details about the project. Commissioners discussed when the three-year time period should commence and agreed that it should begin once permits are approved. **The motion was approved unanimously.**

The Manager stated she will draft a public education document explaining how the incentive policy works in an effort to clear up any misinformation on this project and future projects.

REQUEST FOR ADDITIONAL ATTORNEY FEES TO COMPLETE PROCESS TO SELL PROPERTIES DUE TO FORECLOSURE FROM DELINQUENT TAXES

Tax Administrator Jessica McCall presented this item. Since 2009, an attorney at Roberts & Stevens, Attorneys at Law, was handling property foreclosures due to non-payment of taxes. Unfortunately, these sales did not occur and are resurfacing now in efforts by Roberts & Stevens to close out the accounts of one of their former employees. In order to complete the sale of these properties, the firm is requiring additional legal fees that must be paid up front. These monies were not previously included in the current Tax Administration budget, but they will be recouped if the properties sell at auction.

Roberts & Stevens has assessed the funds needed to proceed with the foreclosure process at \$51,000, to include 11 properties throughout the County and eight properties within Connestee Falls development. Ms. McCall expects the majority of the Connestee Falls properties to be deeded back to the County. If that occurs, the Connestee Falls Property Owners Association will market these properties with Connestee Falls Realty, as they also have an interest in these properties, and then reimburse Transylvania County the fees and costs paid at the time of the foreclosure sale. Two of the Connestee Falls lots were already auctioned on the Courthouse steps, but there were no bidders.

Commissioner Lemel moved to approve \$51,000 to cover legal fees and costs associated in order to complete the process and sell properties due to foreclosure from delinquent taxes. The motion was seconded by Commissioner Chappell. In response to a question from Commissioner Phillips, Ms. McCall stated that in the past Connestee Falls purchased foreclosed properties, but they did not include funds in their budget to make such purchases this year. It is possible in the future. Commissioner Chappell asked if the County is responsible for the assessment fees for the properties deeded back to the County. Ms. McCall responded no. Commissioner Chappell further asked if additional funds should be included in the upcoming budget to cover additional legal fees. Ms. McCall reported there will be dedicated legal fees in the upcoming budget, but the amount will not be of this magnitude. In addition, another firm will be handling foreclosed properties for the County. **The motion was approved unanimously.**

RESOLUTION IN SUPPORT OF NEXT STEPS TO DETERMINE FEASIBILITY OF NC 280 MULTI-USE PATH FROM MILLS RIVER TO BREVARD

In 2014 a high level planning study provided a preliminary evaluation of the NC 280 corridor to add a separate multiuse trail that would separate bicycle and pedestrian traffic. The Town of Mills River

adopted a resolution in 2014 following the study, but study results were not presented to Transylvania County Commissioners until 2015.

The multi-use path shown in the study is mostly anticipated in the existing right of way of NC 280; however, additional engineering work will need to be complete in order to evaluate the feasibility of this and to refine cost factors. A portion in Transylvania County is shown going off of right of way. Additional study may yield other practical alternatives to be investigated. Safety concerns about bicycles on the corridor alongside high speed traffic have increased dramatically in recent years as vehicular accidents have increased.

In fall 2016, Transylvania County called together stakeholders throughout the region, including elected officials, business leaders along the corridor, and nonprofits with interest, to discuss the study and whether there is interest in refining the work that has been completed thus far. Mills River, Transylvania County, Henderson County, Brevard, Sierra Nevada, Oskar Blues, Bold Rock, Carolina Mountain Land Conservancy, Land of Sky and many others participated in the first meeting. Shortly after the first meeting, Carolina Mountain Land Conservancy was given a grant to hire someone to assist in that sort of effort and they have hired a planner to fulfill that role. The group met again in March and identified a need to conduct more extensive public involvement and engagement and to look for grant opportunities to refine the study so that leaders will have better information on the project including potential positive and negative impacts. The Manager requested approval of a resolution to move forward with next steps as outlined in the resolution. Those steps are:

1. To direct staff to further engage the public by collaborating with the City of Brevard, Town of Mills River and other stakeholders to conduct workshops, share information and hear from property owners and the citizens about a potential NC 280 Multi-use path; and
2. To direct staff to pursue opportunities to identify funding that will allow engineering analysis of sections to refine the costs and potential location alternatives of the NC 280 Multi-use path; and
3. To direct staff to work to evaluate the NC 280 Multi-use path among county-wide bicycle and pedestrian needs reflect how it fits into a larger network of multi-modal transportation and its relative priority to other facilities.

Commissioner Lemel moved to adopt Resolution #05-2017 In Support of Next Steps to Determine Feasibility of NC 280 Multi-Use Path from Mills River to Brevard as presented and as a directive to staff. The motion was seconded by Commissioner Hawkins. Chairman Chapman read aloud the resolution for the benefit of the public. Commissioner Phillips stated his concern about the safety of this stretch of road. His desire is to see a tremendous amount of public involvement from the citizens that live in that area. The Manager pointed out that the passage of this resolution is a directive to begin involving property owners and other stakeholders. Road safety issues outside the purview of this resolution and multiuse path study should be dealt directly with the NCDOT. In response to comments about road safety concerns, Planning and Community Development Director Mark Burrows announced that on April 4 the Transportation Advisory Committee will meet and NCDOT officials/engineers will be in attendance to discuss the Pisgah Forest intersection and safety issues from there to Little Mountain. **The motion was approved unanimously.**

(Resolution 05-2017 In Support of Next Steps to Determine Feasibility of NC 280 Multi-Use Path from Mills River to Brevard is hereby incorporated by reference and made a part of these minutes.)

BUDGET AMENDMENT

Finance Director Gay Poor presented the following budget amendment for the Board's approval:

#50: \$10,000 from unassigned fund balance to cover repairs to equipment damaged by an electrical storm and originally budgeted for in FY 15. Final work on the equipment was delayed due to an extensive investigation conducted in conjunction with Duke Energy to determine the underlying cause of the problems and to determine the measures required to protect the equipment against future storm damage.

If approved, this amendment will increase the final FY 17 General Fund budget by \$10,000, bringing it to a total of \$50,438,105.

Commissioner Lemel moved to approve the requested budget amendment as presented, seconded by Commissioner Chappell and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- NCDOT approved a bicycle and pedestrian planning grant for Transylvania County. Congratulations to Planning and Community Development staff for the successful award of their grant application
- Electronic pay notices implemented for efficiency; future rollout of electronic access to personnel related software for employees
- Invited by ICMA to conduct a webinar on how libraries do strategic planning. Transylvania County is one of the first libraries that have utilized the Aspen Report. Library Director Anna Yount and the Manager will participate in the webinar in which participants will pay a fee to listen to.
- Landscaping improvements along Morgan Street to commence.
- New employee training initiative (elevateHER) headed up by female department heads. Group met with School of Government to assist with their research on women in local government. Group inspired to make improvements, such as:
 - Celebrate Public Service Week
 - Engage new employees in understanding the organization and the many services that are provided at the local government level
 - Internal educational opportunities, mentorship
- Mission Toothbus
 - Brevard-April 17,18 and 21
 - Rosman-April 19, 20

Commissioner Lemel commended the Manager and Ms. Yount for participating in the webinar. She expressed how proud she was that Transylvania County is at the forefront of providing leadership and demonstrating best practices. She also expressed excitement about the elevateHER initiative.

PUBLIC COMMENT

Geraldine Dinkins: Ms. Dinkins expressed disappointment that the Comprehensive Plan does not address the Ecusta Trail. She recently visited Greenville, SC and was amazed at the number of small businesses that have cropped up along the Swamp Rabbit Trail access points. She believes parks provide an opportunity for people to come together in a positive way. She feels the same could happen for the Ecusta Trail and she encouraged the Board to publicly state its support for it.

COMMISSIONERS' COMMENTS

Commissioner Chappell announced that Representative Cody Henson will host a Town Hall meeting on April 7 from 5:30 p.m. to 7:00 p.m. at Rosman Town Hall.

Commissioner Lemel announced that the Kindergarten Readiness Rally will be held on April 6 from 4:00 p.m. to 6:00 p.m. at Parks and Recreation.

Chairman Chapman asked Commissioners to share with each other information from the various board and committee meetings they attend in an effort to stay informed. He also noted that the resolution Commissioners approved on the multi-use path references the Comprehensive Plan.

Chairman Chapman moved to enter into closed session per NCGS 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, concerning the lawsuit *Jacqueline Renee Crocker, Petitioner, v. Transylvania County Department of Social Services Director Tracy Jones, Respondent*, and per NCGS 143-318.11 (a) (6) to consider the qualifications, competence, or conditions of employment of public officer or employee or prospective public officer or employee, after a 5-minute recess. The motion was seconded by Commissioner Lemel and unanimously carried.

CLOSED SESSION

Closed Session #1

Pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, concerning the lawsuit *Jacqueline Renee Crocker, Petitioner, v. Transylvania County Department of Social Services Director Tracy Jones, Respondent*, closed session was entered into at 10:10 p.m. and was held in the Arthur C. Wilson, Jr. conference room. Present were Chairman Chapman, Commissioners Chappell, Hawkins, Lemel and Phillips, County Manager Jaime Laughter, Human Resources Director Sheila Cozart, DSS Director Tracy Jones, DSS Board members Judith West and Jim Felty, County Attorney Tony Dalton, Attorney Jackson Price representing Womble, Carlyle, Sandridge & Rice participating via Skype, and Clerk to the Board Trisha Hogan.

Commissioners and staff received an update on the status of said lawsuit and instructed the attorney on how to proceed.

Closed Session #2

Pursuant to NCGS 143-318.11 (a) (6) to consider the qualifications, competence, or conditions of employment of public officer or employee or prospective public officer or employee, the second closed session was entered into and was held in the Arthur C. Wilson, Jr. conference room. Present were Chairman Chapman, Commissioners Chappell, Hawkins, Lemel and Phillips, County Manager Jaime Laughter, Human Resources Director Sheila Cozart, and Clerk to the Board Trisha Hogan.

Commissioners received an update from staff on the recruitment of a County Attorney.

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

OPEN SESSION

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

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Lemel moved to adjourn the meeting at 10:35 p.m., seconded by Commissioner Phillips and unanimously carried.**

Larry L. Chapman, Chairman
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board