
Transylvania County Agenda Memorandum

Agenda Item:
Meeting Date:

From: Jeff Adams, Director
Date: October 9, 2023
Subject: **Community Appearance Initiative 2023**

Department: Planning, Transportation & Community Development
Public Hearing: No
Attachments: History of the Community Appearance Initiative;
Transylvania County Community Appearance Initiative Policy, as Recommended for Amendment, June 15, 2023;
Transylvania County Community Appearance Initiative Agreement, as Recommended for Amendment, June 15, 2023

Purpose:

Re-establishment of the Transylvania County Community Appearance Initiative (CAI) and consideration of recommended amendments to the scope and structure of the CAI policies and voluntary agreement document.

Background:

Community Appearance Commissions operate under North Carolina General Statute 160D, Article 3, Section 304. The purpose of these commissions is to make study of visual (aesthetic) problems throughout the local government's jurisdiction and develop plans and programs, allowed by the statute, to enhance the appearance of the community.

Transylvania County previously supported a Community Appearance Initiative from February 2007 through August 2015 when the commission was dissolved due to a lack of projects to consider. In its operation from 2007 to 2015, the group was responsible for identifying parcels throughout the County that had gone into disrepair or collected large assortments of junk and trash and work with the property owner to improve the visual appearance of the parcel. At the time, the program was specific to properties located on the scenic corridors of U.S. 64, U.S. 178, U.S. 276, NC 215, and NC 280. Property owners would participate in the program on a volunteer basis by applying for assistance and agreeing to maintain the property after the parcel had been cleaned.

Program participants could receive assistance depending on the work necessary to enhance the appearance of their property. Assistance provided by the County included decrepit structure demolition, scrap and trash clean up, grading, landscaping, and waste removal. The Community Appearance Committee met regularly and considered an application to determine if the parcel was applicable to

receive assistance, exactly what assistance would be provided, and then prioritize projects to be completed with funds available each fiscal year.

Transylvania County Staff provided direct support to the group in preparation for regular meetings, communicating with property owners, organizing contract services for projects, and securing participation agreements from applicants. An estimated 10 hours per week of staff time was designated to the programs when it was operating regularly.

The previous edition of the Community Appearance Initiative was dissolved as the Committee saw a limited number of applications (parcels that had fallen into disrepair) to consider on a regular basis. The group and the Board of Commissioners contributed this to the success of the program and approved the Committee disband with the option to re-establish should the need be present.

Over the last 18 to 24 months, the number of calls to County staff concerning junk parcels and parcels in disrepair has increased gradually. Staff proposed that the Committee be re-established to operate in a similar capacity to its previous installation by accepting applications from property owners for assistance, prioritizing the applications, and directing staff to organize contract services to clear the parcels and record maintenance agreements with participating property owners.

This installation of the Committee would fall to the Planning Board, with input from the Transylvania County Solid Waste Director, Transylvania County Health Department Representative, Transylvania Building, Permitting and Enforcement Director and the Transylvania County Planning and Community Development Director. This iteration of the Committee would also expand the scope of applicable parcels. Where the previous Initiative limited applications to properties located on the five (5) scenic corridors listed in the background section, the staff recommended including any property visible from a public road in Transylvania County.

County staff time and resources would be necessary to support the Committee and conduct work on the Committee's behalf. This would include an estimated 10 hours per week of staff time and County resources not limited to facilities for regular meetings, prepared meeting materials, and transportation to and from application sites for inspection and study. The estimated fiscal contribution provided on behalf of the county would equal \$20,000 annually, over the next three years.

The County proposes that the Transylvania County Tourism and Development Authority match the county's contribution by allocating \$20,000 annually to support the procurement of the contract services necessary to complete the program's scope of work. The applicable service that can be contracted is authorized under North Carolina General Statute 160D, Article 3, Section 304, and include physical waste removal, waste disposal fees, structure demolition, and grading services.

Planning Board Review:

The Planning Board (PB) met in May and continued the discussion regarding the re-establishment of the Community Appearance Initiative in June. After considering the various amendments and opening the floor to public consideration, the PB recommended approval of the amendments to the policy and agreement documents for the Community Appearance Initiative.

Financial Impact:

The County has budgeted to match the TDA's contribution of \$20,000 over the next three years.

Strategic Plan Goal & Strategy:

Goal 3: *"County government is service driven, transparent and performance based with more active and engaged citizens."*

Strategy 3B: *"Provide timely, accurate, transparent and informative communication to the public and across the organization with superior customer service delivery."*

Recommendation(s):

Motion to approve/deny/revise Recommended Policy and Agreement, with annual reports before the Board of Commissioners.

MINUTES – HISTORY OF THE COMMUNITY APPEARANCE INITIATIVE (2006-2015)

8/14/2006

PROPOSED TRANSYLVANIA COUNTY APPEARANCE INITIATIVE

Mike Thomas presented the draft Community Appearance Initiative to the commissioners. The goals of the initiative are:

- To preserve and protect the natural beauty of Transylvania County
- To preserve and protect property rights
- To promote and protect the health and safety of citizens of Transylvania County
- To promote economic development while protecting individuals and businesses from burdensome regulations

Priorities will be given to all major corridors in the county. The Advisory Council will consist of 9 members appointed by the Board of Commissioners.

Commissioner Miller moved to approve the Community Appearance Initiative and to take the appropriate time to appoint the 9 member Advisory Board, seconded by Commissioner Duvall, and approved with a 4-1 vote. Commissioner Phillips voting no.

Commissioner Chappell moved to amend the motion to include approving the Memorandum of Understanding with Land of Sky. The amended motion was approved with a 4-1 vote, Commissioner Phillips voting no.

2/26/2007

TRANSYLVANIA COUNTY COMMUNITY APPEARANCE INITIATIVE

The Manager stated that initially the Planning Board will have one Board member, two citizen members shall serve one year, 2 citizen members shall serve two years, two citizen members shall serve three years, and the Health Department and Solid Waste Department members shall serve continuously.

Commissioner Bullock nominated Joe E. Galloway to a three year term, seconded by Commissioner Guice and unanimously approved.

Commissioner Bullock nominated Don Surette to a three year term, seconded by Commissioner Phillips and unanimously approved.

Commissioner Phillips nominated Harold Paxton to a two year term, seconded by Chairman Chappell and unanimously approved.

Commissioner Guice nominated Jim Meyer to a two year term, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Hogsed nominated Steve Smith as the representative from the Health Department, seconded by Commissioner Guice and unanimously approved.

Commissioner Hogsed nominated Jeff Brookshire as the representative from the Solid Waste Department, seconded by Commissioner Phillips and unanimously approved.

Commissioner Phillips nominated Terry Crowe with the Planning Board, seconded by Chairman Chappell and unanimously approved.

Commissioner Bullock nominated Bill Rogers to a one year term, seconded by Commissioner Phillips and unanimously approved.

Commissioner Guice nominated Jim Robards to a one year term, seconded by Commissioner Hogsed and unanimously approved.

Chairman Chappell stated the recommendation for Chairman was Terry Crowe from the Planning Board. Chairman Chappell called for nominations from the Board.

Commissioner Guice nominated Steve Smith as Chairman, seconded by Commissioner Hogsed.

Commissioner Phillips moved to nominate Terry Crowe as Chairman, seconded by Commissioner Bullock.

Terry Crowe was nominated as Chairman by a vote of 3 to 2.

Commissioner Hogsed nominated Mike Thomas as the Administrator, seconded by Commissioner Guice and unanimously approved.

2007 Budget Workshops

EXPENDITURES

Ms. Poor reviewed the Expenditures and highlighted the following items:

GENERAL EXPENDITURES

- Board of Commissioners: Decrease due to the purchase of land for parking lot in FY 2006-2007; includes \$25,000 for Junk Disposal which is part of the Community Appearance Initiative

9/10/2007

UPDATE ON ECONOMIC DEVELOPMENT STRATEGIC REPORT

Planning and Economic Development Director Mark Burrows reported on the Economic Development Strategic Plan. The Plan was adopted in December and focused on two primary measures: new

investment and labor force. The County exceeded its goal in both areas in 2006-2007. Mr. Burrows noted that the policies put in place by the Board of Commissioners have created an environment conducive to new investment and new job creation.

Mr. Burrows highlighted some of the major accomplishments:

- Received and processed 355 requests for assistance or information from existing businesses
- Partnered with Blue Ridge Community College to organize and conduct training sessions and marketing opportunities
- Assisted two businesses with training opportunities
- Continued to focus on attracting manufacturers specializing in medical devices, nutraceutical/natural products, and outdoor recreational devices
- Invited Jack Schultz (Boomtown USA) to the community to speak about economic development
- Electronic newsletter goes out to approximately 600 individuals in both Transylvania County and outside the County
- Website continues to attract people with requests for information
- Established the Community Appearance Initiative which has worked to remove junk and abandoned mobile homes from the around the County
- Brought economic development allies/partners together to inform and assist existing and new businesses
- Participating with AdvantageWest in the Certified Entrepreneurial Program

NEW BUSINESS

ANNUAL PLANNING BOARD REPORT

Planning and Economic Development Director Mark Burrows presented the 2006-2007 Planning Board Report and highlighted the following:

- New development and subdivision activity has increased significantly in the County
- Created the Community Appearance Initiative to focus on removing junk in the County
- Working on a draft Sedimentation and Control Ordinance which is currently under review by the State
- Met jointly with the Transylvania County Transportation Committee and the NCDOT to discuss transportation needs
- Worked on a tower permit for the County
- Currently studying the Subdivision Ordinance and how steep slope issues are impacting economic development in the County

Commissioner Guice moved to accept the report, seconded by Commissioner Phillips and unanimously approved.

9/24/2007

UPDATE ON COMMUNITY APPEARANCE INITIATIVE

Mr. Terry Crowe, Chairman of the Community Appearance Initiative, addressed the Board to report on the Committee's progress and upcoming projects. He first recognized some of the committee members that were present: Jim Robards, Jim Meyer, Joe Galloway, Don Surrence, Bill Rogers, and Mike Thomas.

The Community Appearance Initiative was implemented in 2006 and was designed to address issues of accumulated junk, abandoned mobile homes and abandoned automobiles. The Advisory Council members were appointed in 2007 with the mission of assisting citizens in the removal and disposal of abandoned manufactured housing, junked/abandoned motor vehicles, and junk and identifying areas for improvement and coordinating improvement efforts. Financial assistance may be provided in some cases to aid in the improvement efforts. Priority will be given to safety and health and to the major corridors in the County.

Mr. Crowe highlighted the Council's accomplishments as follows:

- Established a regular meeting time, elected a vice-chairman, adopted rules of procedure and met monthly
- Made a field survey of main roads in the County to identify potential projects
- Prioritized 17 potential projects and assigned project teams for higher priorities
- Researched applicable NC and Federal laws and met with NC DOT enforcement officials
- Contacted 7 property owners to explore possibilities for improvement
- Developed a list of resources for demolition of mobile homes and removal of vehicles and junk
- Contacted potential resources to assist with screening, funds, or clean up efforts
- Issued two press releases on the initiative
- Met with the Land-of-Sky Regional Council LandCare Coordinator on how the initiative fits in the broader LandCare concept
- Working with owners and residents which facilitated the following:
 1. The demolition and removal of 2 deteriorated mobile homes and other junk on Hendersonville Highway near Penrose
 2. The removal of an unoccupied mobile home on a hill overlooking Pickens highway
 3. The removal of a large pile of old newspapers and other trash and junk from a residence along King Road

Mr. Crowe stated that the Council and Staff continue to engage owners to find voluntary ways to clean up unsightly areas that are visible from State and Federal roads and highways. Expenditure of funds for the Initiative budget have not been required so far; however plans are being developed that will require some financial assistance for the property owner. Further work is needed to develop agreements or contracts whereby the property owner agrees to keep his property maintained in an acceptable fashion

after the initial clean up. Mr. Crowe read a letter from the property owner on Old Hendersonville Highway thanking the Council for their help in cleaning up his property.

Chairman Chappell thanked Mr. Crowe and the committee members for providing a valued service to the community. Commissioner Phillips commented that one of the proposed drafts includes grading and graveling the road to the site. He is concerned that this may go beyond the Initiative's purpose. Mr. Crowe responded that, at this point, it is the only way to make this project happen. He noted that the draft would be reviewed by the County Attorney. Commissioner Hogsed said the Initiative is a model to other counties and believes there are ways to continue forward with the draft and still address Commissioner Phillips' concerns. The Manager added that there may be other ways to address the concerns as well as other funding avenues.

11/13/2007

MANAGER'S REPORT

The Manager reported the following:

- There is a Public Meeting on Wednesday evening at Connestee Falls Fire Rescue regarding the potential use of Connestee Falls. A Public Hearing will be held at the December 10 Board of Commissioners' meeting.
- At the November 26 meeting, Staff will be discussing space needs and the parking issues.
- Bids for the Public Safety Facility are due Thursday. The County has received good reports from Moseley Architects regarding potential bidders.
- The December 10 meeting will be a busy meeting since it is the only meeting in December, if the Commissioners so choose. Agenda items will include the bids for the Public Safety Facility and the Pay Classification Study recommendations.
- The Manager congratulated Staff and the Board of Commissioners for their efforts in the United Way Campaign. The County raised \$20,335. He specifically thanked Sheila Cozart, Dean Landreth and David Reid for heading up the Campaign.
- The Manager met with the WCCA today regarding the Senior Center. Contractors have looked at the electrical and air conditioning issues at Silvermont. The Manager hopes to have the details worked out by February 2008 and expects the costs to be much higher than expected.
- The Community Appearance Initiative is close to signing a contract with the homeowner on Highway 215. If they agree to the contract, the cost of cleanup will be donated by citizens in the community.

4/28/2008

COMMUNITY APPEARANCE INITIATIVE ANNUAL REPORT

Chairman Terry Crowe gave an update of the committee's accomplishments during its first year in operation. He reported the following:

- Organized Advisory Council and established regular meeting schedule. Every meeting thus far has had a quorum.

- Researched applicable NC and federal laws and met with NC Department of Transportation officials.
- Surveyed main roads in the County to identify potential projects.
- Met with Land-of-Sky Regional Council LandCare Coordinator regarding how the Initiative fits into the broader LandCare concept. Received \$1,500 LandCare Grant.
- Received 10 calls on potential projects.
- Identified 31 potential projects. Prioritized and assigned project teams.
- Contacted 24 property owners to explore possibilities for improvement.
- Closed/completed 7 projects.
- In working with owners and residents, facilitated/encouraged the following:
 1. Demolition or removal of 5 deteriorated mobile homes
 2. Removal of 9 containers of solid waste
 3. Removal of 4 containers of tires
 4. Cleaned up trash and junk on 5 properties
 5. Removal of 36 vehicles
- Separated and recycled 20,000 lbs. scrap metal, 1,500 tires, 20 appliances
- Expended funds: \$2,430; Committed funds: \$3,400 (Total \$5,830)

Mr. Crowe recognized the members that were present: Jim Meyer, Don Surrence, and Mike Thomas. He discussed other projects of interest, noting that committee member Jim Robards is working diligently on a project where a home was displaced off its foundation a couple of years ago on Quebec Mountain. Mr. Robards has faced many obstacles but is hopeful to begin working with the property owners in the near future. Mr. Crowe also stated that bids have gone out for the demolition of two mobile homes in the western part of the County.

Commissioner Bullock inquired about the status of the project on US Highway 64 West near NC 215. Mr. Crowe responded that weather and family conflicts have delayed the project, but the committee is hopeful the project will be completed in approximately one month. He noted that a large part of the property has been cleaned up.

Commissioner Guice asked Mr. Crowe how much funding the committee felt was necessary to continue operating in the future to address these issues around the County. In addition, he inquired about the costs to demolish and clean up mobile homes. Mr. Crowe said the committee would appreciate Commissioners replacing the \$5,830 that has been spent or committed which he believes would allow the committee to continue operating for another year. Mr. Crowe also stated that it costs approximately \$1,500 to demolish old mobile homes.

Commissioner Bullock asked if the County contracts for the removal of scrap metal. County Planner Mike Thomas responded that the property owners work with dealers on the removal of scrap metal which is removed at no cost to the County.

After further comments, Commissioners commended Mr. Crowe and the committee for the work they do in the community.

4/13/2009

PROPOSED REDUCTION IN MEMBERS OF THE TRANSYLVANIA COUNTY COMMUNITY APPEARANCE ADVISORY COUNCIL

The Transylvania County Community Appearance Advisory Council recommends that its number of members be reduced from nine to seven and the requirement that one member be a member of the Planning Board be removed. Currently there are two vacant positions on the Community Appearance Advisory Council, one of which is a Planning Board member. The Manager noted that the Chairman of the Planning Board agrees with the proposal.

Commissioner Bullock moved to amend the membership of the Community Appearance Advisory Council from nine to seven members and delete the section requiring one member from the Planning Board. The motion was seconded by Commissioner Hawkins. The motion passed 4 to 0. Commissioner Hogsed was absent for the vote.

9/14/2009

REQUEST FROM BALSAM GROVE COMMUNITY CLUB, INC.

The Balsam Grove Community Club, Inc. submitted a request to the Board of Commissioners for a waiver of the tipping fees at the landfill for the demolition materials of their old community center. The Manager recommended against waiving the tipping fees. He suggested that the Community Club work with the County's Community Appearance Initiative Committee to share the cost of the disposal fee for an amount not to exceed \$2,500.

Chairman Chappell noted that staff received additional information today regarding a request for additional estimates on the demolition costs. He recommended the Board delay their decision until further estimates are received. He also said he is hesitant about waiving tipping fees because the County has never done so before and doing so may set the wrong precedent.

Commissioner Bullock asked Commissioners to keep in mind this request does not come from a private citizen, but rather from the whole community. Commissioner Hogsed shared Chairman Chappell's concerns but said the Balsam Grove community is trying to do something positive in their community and the Board should do what it can to encourage that in all communities. He agreed with delaying the Board's decision, but expressed his support for waiving the tipping fees.

Commissioner Phillips moved to table the decision until further estimates are received, seconded by Commissioner Hogsed and unanimously approved.

6/14/2010

COMMUNITY APPEARANCE INITIATIVE ANNUAL REPORT

Chairman Jim Robards submitted a report to Commissioners outlining the council's accomplishments since May 2008. He feels the council has steadily made progress in meeting its goals and mission since the council first began its work in 2006.

Mr. Robards discussed one project that the council is particularly proud of in which they assisted the Balsam Grove Community Center with the removal of debris from the demolition of their old building that posed potential health hazards such as mold and asbestos. The council was also able to recycle

some of the material and keep it out of the landfill. The site is now clear and usable for other community center activities.

Commissioner Hogsed moved to accept the report, seconded by Commissioner Bullock and unanimously approved.

The Manager and Commissioners thanked the council for a project they completed on US 64 West which has made a major improvement in the County.

10/10/2011

COMMUNITY APPEARANCE INITIATIVE REPORT

Don Surrette, chair of the Community Appearance Initiative Advisory Council, provided an annual update to Commissioners.

The goal of the Community Appearance Initiative is to clean up roadsides in the County. The mission is to assist citizens in a non-regulatory manner to clean up roadsides, dispose of abandoned cars, manufactured homes, motor vehicles, and all other kinds of junk. Fortunately the price of scrap metal has helped tremendously in the committee's efforts to accomplish its mission. Over the last year, the work has slowed because much of the clean up has been completed. The committee has only completed six projects this year. It has completed 40 total since its inception in 2007.

The following is a summary of the accomplishments of the Community Appearance Initiative since May 2010. Totals shown are from the program beginning in April 2007.

- Surveyed main roads in the County to identify potential projects: 4th survey
- Continued quarterly Advisory Council meetings
- Received 4 calls on potential projects; 20 since beginning
- Identified 14 (80 total) potential projects, prioritized and assigned teams
- Completed 6 projects (40 since beginning)
- Closed 2 projects without action (34 since beginning)
- 6 projects still pending
- Working with owners and residents facilitated the following: demolition or removal of 4 deteriorated mobile homes (20 total); removal of 36 tons of solid waste (249 total); removal of 14 junk tires (2,974 total); and removal of 8 vehicles (63 total)
- Separated and recycled: scrap metal – 4,000 lbs (34,000 lbs total); tires – 182 (2,982 total)
- County funds expended: \$2,946 (\$19,965 total)
- Owner funds expended: \$11,160 (\$23,360 total)

Commissioner Chappell commented about what a wonderful program this is and continues to be and pointed out that most importantly the program is completely voluntary which contributes to its success. Mr. Surrette believes this same principal can be used to address other problems that are ongoing in the County.

Chairman Hawkins inquired about a potential project near Brevard Middle School. The Manager responded that staff has sent letters to the property owners and has gotten no response. Staff plans to follow up with the local property owners.

Chairman Hawkins also believes it is a great concept to use this approach to address other issues, such as erosion control in an attempt to keep waterways clean, etc.

5/14/2012

2010-2012 ECONOMIC DEVELOPMENT STRATEGIC PLAN

Planning and Economic Development Director Mark Burrows and Economic Development Advisory Board Chairman Bill Towler provided an update on the 2010-2012 Economic Development Strategic Plan and discussed how the goals are being met and other accomplishments achieved despite the slow economy and limited staffing.

Mr. Towler stated that on March 16 he reported on the actions and activities that have taken place over the past year with the Economic Development Advisory Board's charge of what it will be doing over the coming year. He reported there have been a number of success stories. He turned the presentation over to Mr. Burrows to provide the details of those successes.

Mr. Burrows reported that a number of people have been involved with economic development over the past year and that Mr. Towler has been a very active chairman for the Economic Development Advisory Board (EDAB). Also very much involved were the Transylvania Partnership, Blue Ridge Community College, Heart of Brevard, City of Brevard, and many other economic allies.

The EDAB is comprised of 15 members representing businesses, education, and many other backgrounds and entities. The mission statement of the 2010-2012 Economic Development Strategic Plan is to actively support a diverse mixture of existing and new businesses in order to retain and create new jobs, increase the tax base, and promote an attractive community that is responsive, caring and sustainable. The current plan has five goals. Mr. Burrows discussed each goal and how each was accomplished.

Goal 1: Support Existing Businesses

- Assisted 71 businesses
- Senior Resource Network facilitated the preparation of comprehensive business plans for 13 existing businesses
- Working with economic development allies, held eight business seminars

Goal 2: Attract and Support New Businesses

- Followed up on business leads from economic allies which averaged 2.4 per month
- Continue to provide assistance to Renova Partners on the Davidson River Village property
- Along with the Senior Resource Network consultants, provided assistance to 47 new or prospective businesses (business types included craft brewery, outdoor equipment, health services, etc.)

Goal 1: Support Existing Businesses

- Assisted 71 businesses
- Senior Resource Network facilitated the preparation of comprehensive business plans for 13 existing businesses
- Working with economic development allies, held eight business seminars

Goal 3: Inform Elected officials, Other Community Leaders and the Public about Economic Development Actions and Opportunities

- Hosted a visit by USDA Deputy Secretary Kathleen Merrigan and EPA Deputy Administrator Bob Perciasepe
- Initiated work with Market Connections to advertise in *Bike Magazine*
- Published articles covering success stories and resources available to businesses in 12 issues of the Economic Development monthly e-Newsletter

Goal 4: Enhance Transylvania County's Exceptional Quality of Life

- Held more than 20 community meetings and distributed an electronic 150th Community Survey; a total of 1,323 individuals completed the survey
- The County's Community Appearance Initiative Committee continued to make significant progress in removing abandoned mobile homes and trash along the major corridors (in 2011: 4 mobile homes, 8 vehicles, 14 junk tires, 36 tons of solid waste, 4,000 lbs. scrap metal)
- The Henry House on West Probart Street was designated as a historical landmark

Goal 5: Promote Education and Workforce Development Opportunities

- Promoted and supported entrepreneurship education and financial literacy programs at Brevard and Rosman high schools and middle schools; a total of 19 classes were held impacting more than 260 students
- Promoted and supported Blue Ridge Community College's Small Business Center and incubator programs
- Linked businesses and manufacturers with different resources/job seekers throughout the year

Mr. Burrows briefly showed some slides that reported on the actual trends in construction, unemployment rates, and occupancy tax. He encouraged people to visit the website for more detailed information about the report.

Commissioner Chapman asked Mr. Burrows to review the functions of his office that could be moved to another department so that more focus can be made towards economic development efforts. Mr. Burrows noted that the scope of work has not changed in the last 15 years; however the resources have diminished dramatically over the same period of time. There may be resources in other areas that can focus on programs like Joint Historic Preservation and Community Appearance, but those programs and duties must be prioritized and staff has to ensure that it can be done.

Mr. Towler reminded everyone of the economic development visioning meeting at 7:00 p.m. at the Library on Thursday evening.

Chairman Hawkins commented that economic development is a very complicated undertaking and it is important that Commissioners assist Mr. Burrows in terms of resource allocation and best use of time.

11/13/2013

MANAGER'S REPORT

The Manager reported the following:

- Staff went out to bid for the renovation of the Silvermont porch. The bid was awarded to Henry Roess. Mr. Roess hopes to begin the work very soon.
- The specifications and drawings for the renovation of the old library are almost complete. Staff anticipates going out for bid later this month.
- Commissioners recently held a workshop on water. Keith Webb of McGill Associates made a presentation on water supply planning. The Manager hopes to receive a proposal from McGill Associates soon on how the County should move forward on water planning.
- Met with some property owners on Fisher Road about the County's Community Appearance Initiative. Offered the County's help in cleaning up property from a recent fire.
- Reviewed the first draft of alternatives to the High Impact Land Use Ordinance. A workshop is scheduled for Monday, December 2, 2013 to discuss. Also on this date, staff would like to use some time after the workshop to conduct training on the paperless agenda system.
- Working with County Attorney to review various County ordinances
- Met with Engineer Terry Allen, County Operations Manager David McNeill and County Project Manager Larry Reece to discuss the preliminary drawings for the concession/restroom facility at the Community Park in Rosman. The final drawings should be ready in the next couple of weeks.
- In communication with the Superintendent of Transylvania County Schools regarding a possible joint meeting with the Board of Commissioners in January.
- Continues to work with the School of Government to schedule a follow up meeting to the recent Board retreat in January or February to establish goals and objectives. Ms. Lydian Altman contacted the Manager today and suggested January 8-9. The Manager asked the Board to let him know if these dates work.

10/13/2014

PRESENTATIONS/RECOGNITIONS

COMMUNITY APPEARANCE INITIATIVE REPORT

The Community Appearance was formed in 2007 for the purposes of assisting citizens with the removal and disposal of abandoned manufactured housing and junk motor vehicles and to provide financial assistance in some cases to aid in this effort. This program is strictly voluntary. Requests are either self-initiated or reported by members of the community. The Community Appearance Initiative has taken action on 90 projects and has removed and disposed of hundreds of tons of junk. Details of their work

were highlighted via PowerPoint presentation. All of their assistance has been limited to properties along the major corridors. Total County funds expended were \$21,766. Property owners expended funds as well. With the majority of the projects being complete or acted upon, there are few opportunities for this council to affect change. Therefore the Community Appearance Initiative is seeking guidance from the Board of Commissioners as to the future direction of this council.

Mr. Morrow reported there are vacancies on this council and he requested assistance in filling them. He suggested a member be a cyclist because cycling is growing in the County and this person has the ability to see other parts of the County that the typical motorist does not.

Commissioner Chapman asked what the best method to perform a survey of the community would be. He believes there is a need to identify the various areas that may need clean up outside of the major corridors. He wondered if an effort to segment the County and assign tasks to members to survey the County would be the best approach. Mr. Morrow said the membership has already done this. They divided the County into different areas and members toured their assigned areas and took photographs and notes of potential projects. This is usually done in the fall. Sometimes concerned citizens will call County staff and inquire about what can be done about particular areas they feel need to be cleaned up.

Commissioner Lemel inquired about the guidance the council is seeking from Commissioners. She noted their tremendous success thus far and the efficiency of the program. Mr. Morrow said the projects that were completed were the easiest projects because there was cooperation from the property owners. Other property owners have been approached but are not interested at this point. It is unknown if those property owners even qualify for assistance. Maybe advertising that the council still exists and is available to help might be helpful with drumming up new projects. Mr. Morrow is not in favor of imposing citations and fines for junk property.

Commissioner Chapman asked what kind of assistance and support the County can provide to property owners to assist them in cleaning up their property. Mr. Morrow responded that County staff has the name of contractors who recycle and perform demolition, and a list of the costs of renting a dumpster and/or landfill dump fees. Rarely have County employees been utilized in an actual cleanup.

Mr. Morrow recommended to Commissioners to restructure the council's meeting schedule to an as needed basis. He felt doing this would be a better use of their time. He also requested to have a small pot of money to use when needed as an ongoing source of funding.

Commissioner Lemel moved to recognize the work the Community Appearance Initiative has done over the last eight years and their ongoing drive to continue keeping Transylvania County clean. She further moved to allow the Community Appearance Initiative to meet as needed based on citizen requests and for the Commissioners to continue funding an annual amount up to \$5,000 based on need. The motion was seconded by Commissioner Chappell. Commissioner Chappell requested the Community Appearance Council continue to make an annual report to the Board of Commissioners. It is important that Commissioners are aware of the projects they are working on and funds expended. In addition, Commissioners instructed the Manager to work with Mr. Burrows to promote this program to let citizens know it exists. **The motion passed unanimously.**

8/24/2015

DISCRETIONARY CITIZEN ADVISORY COUNCILS

A study group led by Commissioner Lemel has been reviewing all of the Citizen Advisory Councils (CACs) within the purview of the Transylvania County Board of Commissioners. The study group has deemed the following three CAC's as discretionary and had made a recommendation on the future of each:

1. Mountain Valleys Resource Conservation District – discontinue; lost federal support and now is a stand-alone nonprofit; Transylvania County has never paid membership fees. Transylvania County appoints two members.
2. Community Appearance Initiative – struggling to find projects; two options: 1) allow staff to maintain effort and engage past members if needed, 2) continue committee but waive all requirements for meeting and reporting except on ad hoc basis
3. Human Relations Council – continue with revisions; need City of Brevard to decide their interest in a joint effort; revisions necessary for mission statement and bylaws

Commissioner Lemel commented that one of the goals of the study group is to ensure each citizen advisory council is relevant. Next steps will include a review of mission statements and ensuring those are in line with how the respective CAC is currently operation.

Commissioners discussed and acted upon each individually.

Mountain Valleys Resource Conservation District

Commissioner Lemel reported that the Mountain Valleys Resource Conservation District currently acts as an agency that will help counties find grants to fund projects. In many ways they act very similarly to a council of government. As a standalone nonprofit they require \$800 in dues annually from their member counties; however, Transylvania County has never paid any dues or done anything else to support the agency. Because of the loss in federal funding in 2011, they are looking to redefine themselves. Transylvania County appoints two members, but only one has been active. Therefore the study group recommends discontinuing participation.

Commissioner Chappell moved to discontinue participation in the Mountain Valleys Resource Conservation District, seconded by Commissioner Chapman and unanimously approved.

Community Appearance Initiative

The most recent presentation from the Community Appearance Initiative ended with the membership asking for guidance from the Board of Commissioners in terms of their future. The recommendation options came from the Planning and Community Development Office.

Commissioner Chappell asked if there was a designated line item for funding projects for the Community Appearance Initiative. Finance Director Gay Poor reported no.

Commissioner Chapman moved to recommend option two (continue committee but waive all requirements for meeting and reporting except on ad hoc basis) for the Community Appearance Initiative. Chairman Hawkins seconded the motion. Commissioner Chappell preferred option one because the Community Appearance Initiative membership does not feel it has a reason to exist at this point. It can be reformed if needed in the future. Commissioner Lemel said the Planning and Community Development and Solid Waste Departments felt they could handle issues and there were no challenges at the current time that necessitated having an active committee. She noted the Board of Commissioners is already challenged with finding active and engaged citizens to participate on CAC's. Commissioner Phillips thought it was positive the CAC is struggling to find projects because it reflects on

how successful it has been over the last several years. He therefore preferred option one.
Commissioner Chapman withdrew his motion.

Commissioner Chappell moved to approve option one (allow staff to maintain effort and engage past members if needed), seconded by Commissioner Phillips and unanimously approved.

Transylvania County Community Appearance Initiative
As Amended on ~~April 13, 2009~~ June 15, 2023

Purpose and Goals

Transylvania County is a special place known for its scenic beauty and excellent quality of life. These features have led to steady increases in population as people move to the County to live, work and visit. Concerns about the appearance and effect of abandoned manufactured homes, junked or abandoned motor vehicles, junkyards, and junk in general have been expressed by County citizens. The concerns include possible adverse effects on adjacent property values, tourism, safety and health, and potential residential and business relocations.

Many citizens are also concerned about the protection of private property rights but are interested in finding ways to help improve the appearance of the County and to help remove accumulated but unwanted junk.

The Transylvania County Comprehensive Plan includes several goals and objectives related to this initiative: 1) Encourage the preservation of aesthetically and economically valuable views and green spaces (Goal 2, Objective 10); Promote the best use of land while protecting citizen's property rights (Goal 7); Promote Best Management Practices for Corridors (Goal 7, Objective 2);

The goals of the Transylvania County Community Appearance Initiative (CAI) are:

- Preserve and protect the natural beauty of Transylvania County
- Preserve and protect property rights
- Promote and protect the health and safety of citizens of Transylvania County.
- Promote economic development while protecting individuals and businesses from burdensome regulations.

Mission

Transylvania County will assist citizens to remove and dispose of abandoned manufactured housing, junked / abandoned motor vehicles and junk. The County will also assist owners of junkyards with vegetative screening efforts. The County will help identify areas for improvement, coordinate efforts and may provide financial assistance in some cases to aid in this effort. The County will provide information for citizens and junkyard owners about the initiative, will establish an ~~advisory eouncil~~ Advisory Council-Committee and appoint an ~~administrator~~ Administrator.

Scope and Priorities

The initiative will apply to abandoned manufactured homes, junked / abandoned motor vehicles, junk and junkyards visible from state roads. Priority will be given to safety and health and to the major corridors in the County; U.S. 64, U.S.178, U.S. 276, NC 215 and NC 280, but shall include all property visible to a public right-of-way in Transylvania County. ~~The initiative is not intended to apply to junk brought into the County after the beginning of the initiative.~~

Description of Roles

Advisory ~~Council-Committee~~ – ~~Appointed~~ The Planning Board, appointed by the County Commissioners, ~~this group~~ periodically reviews applications from citizens requesting assistance

and complaints from concerned citizens and prioritizes improvement efforts. The ~~Council~~ Committee also provides guidance for the administrator and reports to the Board of Commissioners. The Committee takes input from the Administrator, the Director of Solid Waste, the Building Department Director, Health Department Director and other applicable parties.~~The advisory council shall consist of 7 members and shall include a representative(s) from: the health department, salvage dealers, solid waste, and interested citizens. Member terms are to be staggered initially then run for three years and a maximum of two terms. Initially the planning board member and two citizen members shall serve for 1 year, two citizen members shall serve for two years, two citizen members shall serve for three years and the health department and solid waste department members shall serve continuously.~~

Administrator – the Transylvania County Planning & Community Development Director coordinates the improvement efforts, contacts property owners and resources to implement improvement efforts, keeps records of applications for assistance, complaints from citizens and action on each case approved by the advisory council. The administrator will be appointed by the Commissioners/County Manager.

Board of Commissioners – appoints the ~~A~~advisory ~~council~~Committee, establishes budget and policies governing the initiative.

Citizens – make applications for assistance, comply with initiative standards, communicate concerns, volunteer to support and provide resources for initiative implementation.

Procedures

- Citizens apply to the ~~administrator~~ Administrator for assistance under the voluntary initiative or call regarding concerns.
- The administrator keeps records of applications and concerns.
- The ~~A~~advisory ~~council~~Committee meets periodically (could be monthly to start and quarterly after the initiative is underway) to review applications and concerns and set priorities for the next period. The ~~A~~advisory ~~council~~Committee and the ~~A~~administrator agree on the approach for improvement efforts for the next period.
- The ~~administrator~~ Administrator contacts the property owner and utilizes resources as needed to obtain agreements and waivers of liability and to implement the improvement effort. Records of the action are kept. If payment is needed for any service the administrator verifies the work done and submits a request for payment from the County. A file is kept on each case.

Education / Awareness

The Advisory ~~Council~~Committee and Administrator will develop an education and awareness program that will include:

- Articles in local newspapers on recycling, Community Appearance Initiative.
- Public service announcements on cable TV.
- County and economic development website to have information about the initiative.
- Service Organizations and Business Associations help publicize.
- Solid Waste Collection Centers distribute initiative information.
- County clean-up week quarterly, including solid waste pick-up and tipping assistance.

Resources

Potential sources of assistance may include the following:

- Commissioners – Approval of: initiative, funds, solid waste equipment, administrative staff
- Solid Waste – equipment, containers, appliance and tire handling
- Salvage Dealers – disposal of vehicles, scrap metal and other salvage materials
- Co-operative Extension / Soil & Water – plantings
- Job Corps – plantings, clean-up
- Grading Contractors / Salvage Dealers – demolition
- Fire Departments – Burning
- NCDENR, NCDOC, NCDOT, USDA, The Rural Center, Congress – Grants
- Public / Environmental groups / Service Clubs – volunteers, fund drives
- TDA - funds
- Private donations / sponsorships
- Other (To Be Determined)

Standards / Regulation

The benefits under this initiative are meant to be a one-time benefit to any property owner. Persons benefiting from this initiative shall agree to prevent further placement or accumulation of abandoned manufactured homes, abandoned motor vehicles or junk on their property [and maintained for a period of at least ten years](#). This agreement shall be in writing as determined by the County Attorney. The County shall be entitled to recover any expense benefiting the person who violates this agreement.

Junkyard owners benefiting from this initiative shall agree to maintain junkyard standards as listed below:

- Limit stacking or piling of material to no more than eight feet.
- Maintain a vegetative screen on sides of the junkyard that are visible from a public road.
- Avoid placement of salvage material or vehicles within fifty (50) feet of any water source, pond, lake, creek, stream or river. Use berms or plantings in this buffer zone to help control storm water run-off.
- Avoid placement of material outside the screened area.

Health violations shall be referred to the health department for action under G.S. 130A-19. Illegal dumping violations shall be subject to penalty per the Transylvania County Solid Waste Ordinance section 8.17 and/or referred to the NC Department of Environment and Natural Resources.

Annual Report

The Advisory ~~Council~~ [Committee](#) shall issue a report annually describing the initiative's effectiveness, specific results achieved and any issues or non-compliance. Recommendations for making the initiative more effective and efficient and means of addressing initiative deficiencies shall also be included.

Budget

The planning board recommends the following budget items for the first year of the initiative:

- Contract costs for demolition of 10 abandoned manufactured homes
- Landfill fees for 100 tons of solid waste
- Assistance with screening
- Miscellaneous initiative costs (advertising, printing, postage,

The planning board estimates that 7.5 hours per week of administrative time will be needed to conduct this initiative during the first year.

Definitions

Abandoned Mobile / Manufactured Home – a mobile/manufactured home not habitable as a dwelling and not providing complete, independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation or has not received the proper permits to be located within the County’s jurisdiction.

Accumulated Junk - junk covering 600 square feet (approximately 20 feet by 30 feet) or more of surface area, in total, whether in one area or several, on the same or contiguous parcels of land.

Junk – Wrecked, scrapped, disassembled, unusable, cannibalized, inoperable, or un-repairable boats, trailers, camping trailers, construction equipment, appliance, vehicle parts, building materials, scrap metal, rope, rags, paper, and rubber.

Junked Motor Vehicle: A motor vehicle that does not display a current North Carolina license plate and may be partially dismantled or wrecked and cannot be self propelled or moved in the manner in which it was originally intended to move.

Junkyard – Any establishment, place of business or place that is maintained, operated or used for storing, keeping buying or selling junk or for maintenance or operation of an automobile graveyard.

Vegetative Screen – An evergreen, continuous and opaque vegetative planting. Vegetation not less than two feet (2’) in height shall be planted not more than six feet (6’) apart and shall grow to at least six (6) feet in height within four (4) years of planting. Plants should have leaves or foliage at all times of year and shall include, but not be limited to, white pine, hemlock, southern pine, and spruce trees.

Amendments:

1. On 4/13/09 amended ~~Description of Roles~~ reducing the membership from nine (9) to seven (7) and removing the requirement to include a planning board member.

TRANSYLVANIA COUNTY COMMUNITY APPEARANCE INITIATIVE

Project # ___ - PIN ____ - __ - ____ - ____

THIS AGREEMENT IS SUBJECT TO ALTERNATIVE DISPUTE RESOLUTION AS THE ONLY FORMS OF DISPUTE RESOLUTION

This Agreement (“Agreement”) is made by and between Transylvania County (“County”) and the owner ~~and operator of a junkyard~~ (“Owner”), for the following mutual covenants and promises, the sufficiency of which is hereby acknowledged and agreed to by all parties.

Commented [JA1]: Is it still the wish to limit this to junkyards?

WHEREAS, County has adopted a voluntary Community Appearance Initiative for the purpose of preserving and protecting ~~the natural beauty of Transylvania County while preserving and protecting~~ property rights.

Commented [JA2]: Isn't this is about more than 'natural beauty,' such as health, safety and welfare?

WHEREAS, County has adopted a voluntary Community Appearance Initiative for the purpose of promoting the health and safety of citizens, while preserving and protecting the natural beauty of Transylvania County.

Commented [KW3R2]: I agree, the natural beauty is rarely jeopardized in the settings that I have seen. Generally, it is an issue with vectors and smells.

WHEREAS, Owner owns a property (“Property”) that needs to have some work performed on it in order to help the County achieve the county-wide purpose stated above.

WHEREAS, County and Owner wish to enter into an arrangement, as reflected in this Agreement, to work together to help the County and the Owner achieve this county-wide purpose with respect to the Property.

NOW THEREFORE the parties agree as follows:

1. *TERMS/STIPULATION TO AGREEMENT*
2. *TERMS/STIPULATION TO AGREEMENT*
3. *TERMS/STIPULATION TO AGREEMENT*
4. Owner agrees to cooperate with these efforts in a timely fashion and provide their own or other labor, equipment, fuel, and to complete this project by _____.
- 4.5. Owner agrees to maintain the property in a junk and litter-free state, with any applicable vegetative screening to buffer junkyard uses from public view where required for at least ten years from the date set in section 4 above.
- 5-6. County agrees to the following reasonable and necessary assistance, at its own costs so long as Owner fully performs and continues to perform under this Agreement, in this effort by securing or providing materials and labor including but not limited to:

Commented [KW4]: I am a bit confused by this sentence, it seems to me that the County list of assistance "at its own cost" is stated first followed by Owner list of materials and labor. May be clearer to separate County and Owner in two sentences with specific list of what each brings to the table.

- A. *SERVICE A*
- B. *SERVICE B*
- C. *SERVICE C*

However, County costs for this project shall not exceed \$____,_____.

~~6-7.~~ The parties agree and acknowledge that The Community Appearance Initiative Advisory ~~Council Committee~~ will advise the Transylvania County Planning Director on progress toward completion of this project and will determine, in their sole discretion, whether efforts of either party to this agreement are being conducted satisfactorily and in accordance with this agreement ~~or whether the project should be discontinued.~~

~~7-8.~~ Nothing herein shall establish any relationship between the parties other than a contractual relationship, and the parties hereby agree and acknowledge that the County owes no other duty to Owner and that Owner has no other potential claim against County regarding this Project, except as limited to contractual matters only.

~~8-9.~~ MISCELLANEOUS:

~~A.~~ **Indemnification.** Each party hereby agrees to mutually release, hold harmless, and fully indemnify the other party for all claims, liabilities, debts or causes of action that result directly from the actions or inactions of that particular party.

~~A-B.~~ **Hazardous Waste** – at any time hazardous waste is discovered on this site, County immediately voids any commitment for participation in further site activities with notification made to NCDEQ and USEPA as dictated by rules under Resource Conservation and Recovery Act.

~~B-C.~~ **No Warranties or Representations.** County makes no warranties or representations as to the work or services it provides under this Agreement, and Owner hereby specifically and explicitly agrees to this provision and waives any argument, claim or cause of action contrary to the same as part of the consideration of this Agreement.

~~C-D.~~ **Disclaimers and Waivers.** This Agreement is to be regarded as an agreement for the purposes described in the “Whereas” clauses and provisions herein. It is the responsibility of each party to seek independent professional advice, to review, and to negotiate any changes prior to execution of this Agreement. County hereby disclaims the use of any contract interpretation principles against it as the drafter of this Agreement, and Owner hereby waives any and all use of said principles in any dispute or action based on the terms of this Agreement.

~~D-E.~~ **Merger.** The parties agree that this Agreement constitutes the entire agreement of the parties.

~~E-F.~~ **Binding Agreement.** The parties agree that this Agreement is binding on their heirs, assigns, transferees, or successors in obligation or interest, except that, to the extent that performance requires the qualifications set forth above, and if the heirs, assigns, transferees, or successors do not possess such qualifications, then specific performance shall not be required, however all other remedies shall remain in full force and effect.

~~F-G.~~ **Choice of Law.** The laws of the State of North Carolina shall apply to this Agreement.

Commented [JA5]: This appears to be a loophole that can be removed, unless it is stated that both parties must agree in writing to terminate or amend.

Commented [KW6]: Not sure if this is best place for this, but probably best inserted somewhere for protection. Hazardous waste is not always evident when first evaluating a cleanup project.

It may also be a good point to have a disclosure made by the owner that "no hazardous waste" exists on the property. Need input from legal here.

~~G.H.~~ **Modification.** This Agreement may only be modified in writing and signed by all parties.

~~H.I.~~ **Termination.** This Agreement terminates by the substantial failure to perform by either party.

~~I.J.~~ **Separable Provisions.** Should any provision of this Agreement be held to be unenforceable for any reason, then the remaining provisions shall have full force and effect.

~~J.K.~~ **Default.** If a party substantially fails to perform in a timely manner, as stipulated in section 4, under this Agreement, or allows the property to revert to substandard levels for a period of no less than ten years after the date of completion; then that party is deemed to be in default and breach.

~~K.L.~~ **Remedies.** The non-breaching, non-defaulting party is entitled to receive any and all remedies available at law and equity. In addition, the parties explicitly agree and waive any rights to argue against the same, that the non-breaching, non-defaulting party shall receive all costs, expenses, and attorneys' fees associated in enforceable its/his/her rights under this Agreement.

~~L.M.~~ **Notice.**

All notices to the County shall be sent to:

~~Allen McNeil~~ Jeffrey S. Adams, PhD
Transylvania County Planning Department
106 E. Morgan St., Suite 207
Brevard, NC 28712

All notices to Owner shall be sent to:

~~M.N.~~ **Safety.** The parties hereby acknowledge that safety issues are of key importance to the County and therefore Owner shall take whatever measures are necessary to make sure that the site is safe and if Owner fails to do so, the Owner agrees to fully indemnify County and hold it harmless for any claims, liabilities, debts, or causes of action arising from the Owner's actions or inactions related to the same.

~~N.O.~~ **Alternative Dispute Resolution.** The parties hereby acknowledge and agree that all claims, disputes, or conflicts arising with respect to any provision under this Agreement, or any rights and obligations concerning the same, shall first be submitted to a process of dispute resolution called mediation. Mediation is that process which is described by North Carolina in its Alternative Dispute

Commented [JA7]: This is the biggest concern from those I've spoken to regarding future efforts. Since this doesn't fall under any ordinance or title with penalties, I'm unsure what the penalties could be, other than those stated, such as 'costs, expenses and attorneys' fees.' Stakeholders feel the old agreement wasn't strong enough and we need to provide something with more teeth, such as a lien. What powers do we have?

Resolution Program through the Dispute Resolution Commission. The parties agree that they will attempt to agree on a North Carolina Certified Superior Court Mediator with the understanding that this list is maintained by the North Carolina Dispute Resolution Commission. Should the parties be unable to agree, then that mediator who is next to be assigned on a case by Court Administration in Transylvania County will be used as the mediator. The parties shall share the costs of mediation equally and the parties agree to mediate in good faith. Should the parties be unable to reach a complete resolution of the disputes in mediation, the parties agree to submit the disputes to a North Carolina Certified Arbitrator for BINDING ARBITRATION. The parties hereby acknowledge and agree that BINDING ARBITRATION means that the Arbitrator's decision becomes binding as an enforceable contract between the parties and that no claim can be made in the courts except as to breach of this contract. The parties agree that they will attempt to agree on a North Carolina Certified Arbitrator with the understanding that this list is maintained by the North Carolina Dispute Resolution Commission. Should the parties be unable to agree, then that arbitrator who is next to be assigned on a case by Court Administration in Transylvania County will be used as the arbitrator. The parties shall share the costs of arbitration equally and the parties agree to present their cases to the arbitrator in good faith

Q.P. **Assignment.** The parties hereby agree that they may not assign their obligations under this Agreement without written permission of the other party

P.Q. **Headings.** Section headings are not to be considered a part of this Agreement and are not intended to be a full and accurate description of the contents hereof.

Q.R. **Immunity.** All of the County's duties and obligations required in this Agreement are traditional governmental functions. As such, nothing in this Agreement is intended to waive the County's governmental immunity or any other affirmative defenses which are otherwise available to it.

This Agreement is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any person or entities against the parties, their agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any worker or any other person

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the day and year first written above, with an effective date as noted above. The parties hereto agree that facsimile signatures shall be as effective as if originals.

Signed:

_____(Seal) _____(Seal)
Owner(s) Owner(s)

STATE OF ~~North Carolina~~NEW
COUNTY OF TRANSYLVANIA

I, _____, A Notary Public of said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 20 ____.

Notary Public

My commission expires: _____.

Signed:

_____(Seal)
Chairman – Community Appearance Initiative Advisory Council, with Authority as delegated by the Transylvania County Board of Commissioners and the Transylvania County Manager

STATE OF ~~North Carolina~~NEW
COUNTY OF TRANSYLVANIA

I, _____, A Notary Public of said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 20 ____.

Notary Public

My commission expires: _____.

Signed:

_____(Seal)
Transylvania County Manager

STATE OF ~~North Carolina~~NEW
COUNTY OF TRANSYLVANIA

I, _____, A Notary Public of said State and
County, do hereby certify that _____ personally appeared before me
this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 20____.

Notary Public

My commission expires: _____.

DRAFT



Transylvania Community Centers

Transylvania's Community Centers provide a gathering place for all its citizens, at Centers located throughout the Land of Waterfalls.

Jeff Adams
September 12, 2023

Announcing!
Transylvania County
FY 23/24
Community Center Grants Program
Public Information Meeting
Wednesday, October 18th
6:00 to 7:00 PM
Transylvania Commission Chambers
101 S. Broad St., Brevard, NC

For more information please contact
Transylvania Planning & Community Development
planning@transylvaniacounty.org
828.884.3205

Community Center Grants

October 18th, 2023



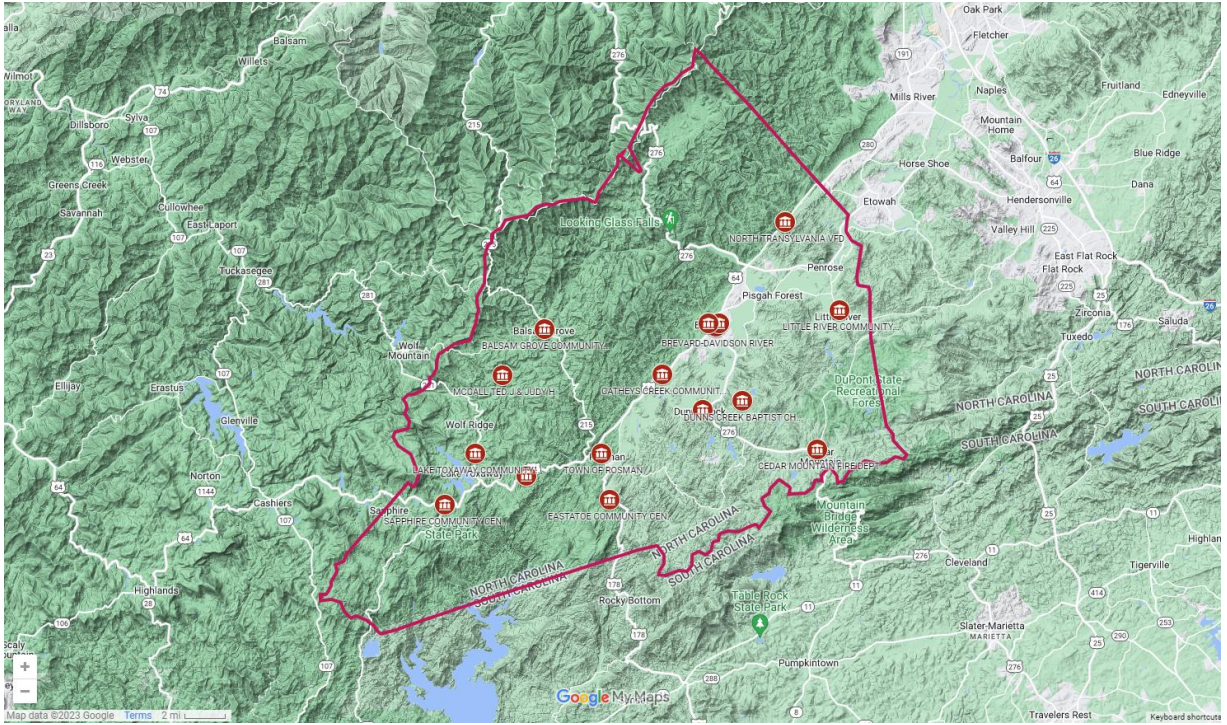
1

Agenda: Community Center Grants

1. Transylvania County Community Centers
2. County Funding
3. Community Center Support Grant Program
4. Eligibility
5. Previous Activity
6. Timeline
7. Next Steps



2



3

Transylvania Community Centers

HOME OUR COUNTY DEPARTMENTS I'M LOOKING FOR BUSINESS INFO VISITORS INFO

Transylvania Community Centers

Transylvania's Community Centers provide a gathering place for all its citizens, at Centers located throughout the Land of Waterfalls.

Jeff Adams
September 12, 2023

Community Centers

TRANSYLVANIA COUNTY PLANNING AND COMMUNITY DEVELOPMENT



Community Centers

4

Must be for a public purpose

Must be to serve the public in an area authorized by state law

County Services Authorized Under State Law:

- Arts Programs and Museums. - To provide for arts programs and museums as authorized in G.S. 160A-488.
- Auditoriums, coliseums, and convention and civic centers. - To provide public auditoriums, coliseums, and convention and civic centers.
- Health. - To provide for the county's share of maintaining and administering services offered by or through the local health department.
- Historic Preservation. - To undertake historic preservation programs and projects.
- Hospitals. - To establish, support and maintain public hospitals and clinics, and other related health programs and facilities, or to aid any private, nonprofit hospital, clinic, related facility, or other health program or facility.
- Housing. - To undertake housing programs for low- and moderate-income persons as provided in G.S. 153A-378.
- Human Relations. - To undertake human relations programs.



County Funding State Law

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- Libraries. - To establish and maintain public libraries.
- Mental Health. - To provide for the county's share of the cost of maintaining and administering services offered by or through the area mental health, developmental disabilities, and substance abuse authority.
- Open Space. - To acquire open space land and easements in accordance with Article 19, Part 4, Chapter 160A of the General Statutes.
- Parking. - To provide off-street lots and garages for the parking and storage of motor vehicles.
- Parks and Recreation. - To establish, support and maintain public parks and programs of supervised recreation.
- Public Transportation. - To provide public transportation by rail, motor vehicle, or another means of conveyance other than a ferry, including any facility or equipment needed to provide the public transportation. This subdivision does not authorize a county to provide public roads in the county in violation of G.S. 136-51.
- Schools. - To provide for the county's share of the cost of kindergarten, elementary, secondary, and post-secondary public education.
- Social Services (a) - To provide for public assistance required by Chapters 108A and 111 of the General Statutes.
- Social Services (b) - To provide for the public welfare through the maintenance and administration of public assistance programs not required by Chapters 108A and 111 of the General Statutes, and by establishing and maintaining a county home.



County Services (continued)

6

Grant Eligibility

- In the FY 23-24 Budget, Commissioners allocated \$60,000 to form a grant program to support community centers pending policy and process development
- Program supports strategic plan by building partnership with community centers that provides opportunities for expansion of services the county can offer and improvement to publicly accessible facilities
- Program clarifies eligibility requirements and criteria to make application for grant funding
- **Eligible community centers must have 501(c)3 incorporation and demonstrate they meet 4 of the 5 criteria in order to be eligible for funding:**
 1. Hold elections for center board officers
 2. Hold at least quarterly meetings of their board with minutes taken and available for review
 3. Hold at least 6 events annually open to the public
 4. Publish at least 6 articles pertaining to their activities in *The Transylvania Times*
 5. Maintain an up-to-date website, Facebook or other social media page



Community Center Support Grant Program

7

Grant Parameters

- Meeting criteria will demonstrate community center is **active** enough that the County can guarantee expenditure of public funds will be successful development of publicly accessible community resources and services the county can provide under legislative restrictions.
- Successful applicants will enter into a contract with County which will govern the requirements of expending funds and reporting, similar to the process by which County funds nonprofits
- Proposed \$60,000 broken into 3 separate grant programs
 - **Connected Public Space Grants** – reimbursement for full cost of investments in communications infrastructure with goal of creating wireless internet hotspots and providing support for keeping these spaces open and accessible to the public for that purpose.
 - **Public Health/Public Safety Grants** - \$2,500 grant awarded on competitive basis for up to 4 eligible projects that provide material health or safety improvements and demonstrate commitment by providing 10% match.
 - **Public Purpose Grants**- \$7,500 grant awarded on competitive basis for up to 2 projects with a public purpose, such as programming for children, youth or families or capital improvement expenses; requires 10% match of the full cost of the project.



Community Center Support Grant Program

8

Grant Review Process

- Applications to be reviewed by committee of representatives across County government, including up to 2 Commissioners, the County Manager, Finance Director, representatives from Planning and Community Development, and from Maintenance and Engineering
- Administration of grant program with responsibility for monitoring contract and performance by Planning and Community Development department



Community Center Support Grant Program

9

Grantee Requirements

- Will be required to sign a contract
- Will be required to make anything funded with county dollars open to the public for use/benefit
- May be required to host county services a minimum number of times per year without a facility fee
 - Project upcoming to explore remote provision of county services.
- Funds are not guaranteed year to year
- Elections Center will pay usage fees for voting precinct usage only



Community Center Support Grant Program

10

The screenshot shows the Transylvania County website. At the top left is the logo with the tagline "Land of Waterfalls". The navigation menu includes: HOME, OUR COUNTY, DEPARTMENTS, I'M LOOKING FOR, BUSINESS INFO, VISITORS INFO, and a search icon. Below the navigation is a table of Community Centers. To the right of the table is a banner for "Community Centers" by Transylvania County Planning and Community Development. Below the banner is another section titled "Active Community Centers" with the same logo.

NAME	ADD	CITY	ST	ZIP	FUNDING
BALSAM GROVE COMMUNITY CENTER	8732 Parkway Rd.	Balsam Grove	NC	28788	
BREVARD-DAVIDSON RIVER	249 E Main Street	Brevard	NC	28712	
CATHEYS CREEK COMMUNITY CENTER	131 Island Ford Rd	Brevard	NC	28712	
CEDAR MOUNTAIN FIRE DEPT	7451 Cascade Lake Rd	Cedar Mountain	NC	28718	
CITY OF BREVARD	281 E FRENCH BROAD ST	Brevard	NC	28712	
CITY OF BREVARD	95 W Main St	Brevard	NC	28712	
DUNNS CREEK BAPTIST CHURCH	2061 SEE OFF MOUNTAIN RD	Brevard	NC	28712	
DUNNS ROCK COMMUNITY CENTER	461 CONNESTEE RD	Brevard	NC	28712	
EASTATOE COMMUNITY CENTER	76 Clay Pole Rd.	Rosman	NC	28772	
LAKE TOXAWAY COMMUNITY CLUB	81 Slick Fisher Road	Lake Toxaway	NC	28747	
LITTLE RIVER COMMUNITY CENTER	191 LITTLE RIVER CHURCH RD	Penrose	NC	28766	
MCCALL TED J & JUDY H	458 KITCHEN LOOP RD	Lake Toxaway	NC	28747	
NORTH TRANSYLVANIA VFD	5299 ASHEVILLE HWY	Pisgah Forest	NC	28768	
QUEBEC COMMUNITY CENTER	11846 ROSMAN HWY	Lake Toxaway	NC	28747	
SAPPHIRE COMMUNITY CENTER	13 WALTER MCNEELY RD	Sapphire	NC	28774	
TOWN OF ROSMAN	6 MAIN ST	Rosman	NC	28772	

Community Centers
TRANSYLVANIA COUNTY PLANNING AND COMMUNITY DEVELOPMENT

Active Community Centers

11

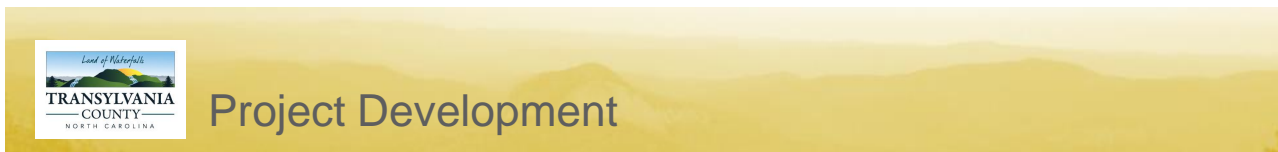
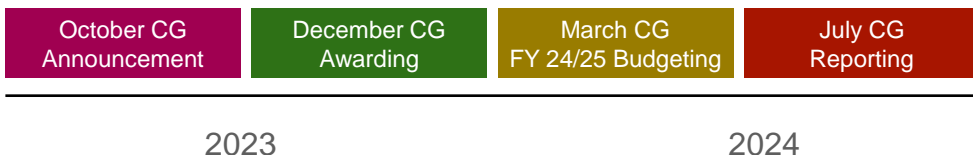
What have these achieved in years passed?

- Playground upgrades
- Steps and railing safety updates
- Replacing aging, trip-hazard, carpeting
- ADA parking and entry improvements
- Awning installation
- Water well pump replacement

The banner features the Transylvania County logo on the left and the text "Next Steps" in a large, bold font on the right. The background is a light yellow gradient with a faint image of mountains.


12

What is the project timeline?



13

Where & How do we apply?

 TRANSYLVANIA COUNTY Community Center Grant Funding Application Fiscal Year 2023-2024 Transylvania County Administration 101 South Broad Street Brevard, NC 28712	
(community center name) _____ (contact mailing address) _____ (city, state, zip code) _____ (e-mail address) _____ (phone) _____	<p>Each grant request requires a separate application form.</p> This application form is for: <input type="checkbox"/> Grant #1: Non-Competitive Connected Public Space Grant per previous Fiscal year approval <input type="checkbox"/> Continuation of the Connected Public Space <input type="checkbox"/> Grant #2: Competitive Public Health/Safety (10% match required) <input type="checkbox"/> Grant #3: Competitive Public Purpose Project (10% match required)
Community center grant funding is open only to those community centers recognized as nonprofits as evidenced by 501(c)(3) status with the IRS. Does the IRS recognize this community center as a 501(c)(3)? <input type="checkbox"/> yes <input type="checkbox"/> no Each center must also be determined to have been 'active' in the public community during the 12 months before the application by meeting 4 of the 5 actions below. Check off each action that this center has met during the last 12 months: <input type="checkbox"/> Elected community center board officers <input type="checkbox"/> Board meetings, held at least quarterly, with minutes documented <input type="checkbox"/> Six (6) events open to the public <input type="checkbox"/> Six (6) community center sections published in <i>The Transylvania Times</i> <input type="checkbox"/> Maintain an up-to-date website, Facebook, or social media page	

COMMUNITY CENTER CONTRACT

GRANT # ____: COMPETITIVE PUBLIC HEALTH/SAFETY GRANT
 NORTH CAROLINA
 TRANSYLVANIA COUNTY

This AGREEMENT made and entered into this 28th day of March 2022, by and between Transylvania County, North Carolina, hereinafter referred to as the "COUNTY", and _____ Community Center a not-for profit corporation, hereinafter referred to as the "AGENCY".

WITNESSETH:

WHEREAS the AGENCY has requested certain funds from the COUNTY to _____ in accordance with COUNTY FY 22 Community Center Funding Guidelines.

WHEREAS, the AGENCY has requested certain funds from the COUNTY to help with providing access to these services for the residents of Transylvania County.

WHEREAS, in response to such request, the Board of County Commissioners found that the provision of these programs and services by this Agency would serve a public purpose and has appropriated the sum of \$ _____ for the period July 1, 2021 through June 30, 2022 to support this purpose; said sum being derived from County funds, pass through grant funds or both, and,

WHEREAS, it is desirable and necessary to enter into this AGREEMENT in order to set forth the terms and conditions for receiving said funds from the COUNTY.

NOW THEREFORE, in consideration of the following, the parties hereto do mutually agree as follows:

1. The AGENCY agrees to use the funds appropriated by the COUNTY in the manner and for the purposes as stated on the Grant applications submitted to the COUNTY or as otherwise approved by the COUNTY.
2. In consideration for the performance by the AGENCY of the services outlined on its Grant applications



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Where & How do we apply?



[Transylvania County Website: www.transylvaniacounty.org](http://www.transylvaniacounty.org)



Next Steps

15

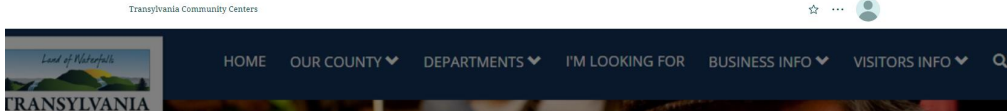
Community Centers Profiles

- History of Community Center
- Background Information
- Organizational Structure
- Operating Hours
- Amenities
- Major Events & Programming
- Website & Social Media Linkage



Next Steps

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[Transylvania County Website: www.transylvaniacounty.org](http://www.transylvaniacounty.org)

Grant Application Deadline:

5PM, Friday, November 24th, 2023

Transportation, Planning & Community Development Department

106 E. Morgan St., Suite 207

Brevard, NC 28712



Next Steps

	<i>Please complete this questionnaire if you are the adult (age 18 or older) in the household who most recently had a birthday. The adult's year of birth does not matter. Your responses to this survey are completely confidential.</i>						
1	Please rate Transylvania County as a community on each of the items listed below.	Very Good	Good	Average	Bad	Very Bad	No Opinion
	Overall, as a place to live	1	2	3	4	5	6
	Overall safety of community members.....	1	2	3	4	5	6
	Quality of shopping opportunities.....	1	2	3	4	5	6
	Quality of dining opportunities	1	2	3	4	5	6
	Quality of entertainment opportunities.....	1	2	3	4	5	6
	Availability of job opportunities.....	1	2	3	4	5	6
	Availability of affordable quality housing.....	1	2	3	4	5	6
	Quality of arts and cultural opportunities.....	1	2	3	4	5	6
	Quality of recreational opportunities.....	1	2	3	4	5	6
	Availability of quality healthcare	1	2	3	4	5	6
	Availability of affordable quality childcare.....	1	2	3	4	5	6
	Quality of public schools.....	1	2	3	4	5	6
	Quality of public library services.....	1	2	3	4	5	6
	As a place to raise children.....	1	2	3	4	5	6
	As a place to retire.....	1	2	3	4	5	6
	As a place to attend college.....	1	2	3	4	5	6
	As a place to work	1	2	3	4	5	6
	Openness and acceptance of the community toward people of diverse backgrounds.....	1	2	3	4	5	6
	Overall appearance of the County	1	2	3	4	5	6
	Overall quality of life in Transylvania County.....	1	2	3	4	5	6
2	Please rate the quality of your neighborhood or community on each of the items listed below.	Very Good	Good	Average	Bad	Very Bad	No Opinion
	Your neighborhood or community as a place to live	1	2	3	4	5	6
	Your neighborhood or community as a place to raise children	1	2	3	4	5	6
	Access within your neighborhood or community to everyday needs (i.e., grocery shopping, services, and amenities).....	1	2	3	4	5	6
3	Please indicate how likely or unlikely you are to do each of the following:	Very likely	Somewhat likely	Somewhat unlikely	Very Unlikely	Don't Know	
	Recommend living in Transylvania County to someone who asks	1	2	3	4	5	

	Remain in Transylvania County for the next five years.....	1	2	3	4	5	
4	In the last 12 months, about how many times, if at all, have you or other household members done each of the following in Transylvania County?	2 times a week or more	2-4 times a month	Once a month	Not at all		
	Visited a neighborhood park or County park.....	1	2	3	4		
	Attended a neighborhood-sponsored event.....	1	2	3	4		
	Attended a government-organized event (open house, County Board session, forum, etc.).....	1	2	3	4		
	Carpooled with other adults or children instead of driving alone.....	1	2	3	4		
	Volunteered your time in Transylvania County.....	1	2	3	4		
	Talked to or visited with your immediate neighbors.....	1	2	3	4		
	Done a favor for a neighbor.....	1	2	3	4		
5	In the last 20 years, how often have you moved to a different place of residence in Transylvania County?						
	2+ times a year						
	About once a year						
	Every 2-4 years						
	Every 5-7 years						
	Every 8-10 years						
	Every 11-15 years						
	16-20 years						
	I have not relocated in the last 20 years						
	I have not relocated within the County						
6	Please tell us how safe you feel in or on each of the following in Transylvania County.	Always safe	Usually safe	Sometimes	Usually unsafe	Always unsafe	No opinion
	Downtown Brevard during the day.....	1	2	3	4	5	6
	Downtown Rosman during the day.....	1	2	3	4	5	6
	Downtown Brevard at night.....	1	2	3	4	5	6
	Downtown Rosman at night.....	1	2	3	4	5	6
	Your neighborhood during the day	1	2	3	4	5	6
	Your neighborhood at night	1	2	3	4	5	6
	Parks	1	2	3	4	5	6
	Natural areas/open spaces.....	1	2	3	4	5	6
	Recreation facilities.....	1	2	3	4	5	6

	Trails	1	2	3	4	5	6
	Transylvania County overall during the day.....	1	2	3	4	5	6
	Transylvania County overall at night.....	1	2	3	4	5	6
	Transfort/MAX.....	1	2	3	4	5	6
7	Please rate the quality of each of the following in Transylvania County	Very Good	Good	Average	Bad	Very Bad	No Opinion
	Emergency preparedness (services that prepare the community for natural disasters or other emergency situations).....	1	2	3	4	5	6
	Disaster response and restoration of services	1	2	3	4	5	6
	Fire prevention/education.....	1	2	3	4	5	6
	Fire response time.....	1	2	3	4	5	6
	Fire services overall	1	2	3	4	5	6
	Crime prevention.....	1	2	3	4	5	6
	Sheriff patrol.....	1	2	3	4	5	6
	Traffic enforcement.....	1	2	3	4	5	6
	Sheriff visibility	1	2	3	4	5	6
	Sheriff response time	1	2	3	4	5	6
	Sheriff services overall.....	1	2	3	4	5	6
	Code enforcement (weeds, rubbish/trash, etc.)	1	2	3	4	5	6
	Noise enforcement.....	1	2	3	4	5	6
	Animal control	1	2	3	4	5	6
	Business property maintenance	1	2	3	4	5	6
	Residential property maintenance	1	2	3	4	5	6
	Natural Areas and Park Ranger services.....	1	2	3	4	5	6
8	Please rate the following areas of transportation in Transylvania County.	Very Good	Good	Average	Bad	Very Bad	No Opinion
	Ease of travel by car.....	1	2	3	4	5	6
	Ease of travel by public transportation	1	2	3	4	5	6
	Ease of walking	1	2	3	4	5	6
	Accessibility for people with disabilities (e.g., people with low vision or in wheelchairs)	1	2	3	4	5	6
	Ease of travel by bicycle.....	1	2	3	4	5	6
	Availability of parking Downtown Brevard	1	2	3	4	5	6
	Availability of parking Downtown Rosman	1	2	3	4	5	6
	Traffic flow.....	1	2	3	4	5	6
	Street maintenance	1	2	3	4	5	6
	Availability of electric vehicle charging stations.....	1	2	3	4	5	6

	Access to Asheville Regional Airport	1	2	3	4	5	6
9	Thinking about the services provided by Transylvania County Utilities (which may include electric, water, wastewater and stormwater services), please rate each of the following:	Very Good	Good	Average	Bad	Very Bad	No Opinion
	The overall quality of Utilities available in Transylvania County.....	1	2	3	4	5	6
	Your overall impression of Utilities available	1	2	3	4	5	6
11	Please rate the quality of the environment in Transylvania County on each of the items listed below.	Very Good	Good	Average	Bad	Very Bad	No Opinion
	Air quality.....	1	2	3	4	5	6
	Recycling programs.....	1	2	3	4	5	6
	Conservation efforts.....	1	2	3	4	5	6
	Overall quality of environment.....	1	2	3	4	5	6
12	Please rate the quality of each of the programs or facilities listed below.	Very Good	Good	Average	Bad	Very Bad	No Opinion
	Natural areas and open space	1	2	3	4	5	6
	Trails	1	2	3	4	5	6
	Parks overall	1	2	3	4	5	6
	Parks in my neighborhood.....	1	2	3	4	5	6
	Dog parks.....	1	2	3	4	5	6
	Solid Waste/Landfill Collection Services.....	1	2	3	4	5	6
	Athletic fields.....	1	2	3	4	5	6
	Silvermont Mansion.....	1	2	3	4	5	6
	Rosman County Park.....	1	2	3	4	5	6
	Transylvania County Recreation Facility.....	1	2	3	4	5	6
	Community Services Building.....	1	2	3	4	5	6
	Transylvania County Library	1	2	3	4	5	6
	Transylvania County Library Programs	1	2	3	4	5	6
	Community Centers	1	2	3	4	5	6
	Adult recreation programs.....	1	2	3	4	5	6
	Senior recreation programs.....	1	2	3	4	5	6
	Youth/teen recreation programs.....	1	2	3	4	5	6
13	Please rate the County's performance in each of the following areas.	Very Good	Good	Average	Bad	Very Bad	No Opinion
	Managing and planning for growth.....	1	2	3	4	5	6

Balancing development and growth while maintaining the character and identity of the County and neighborhoods.....	1	2	3	4	5	6
Efficient operation of programs and services.....	1	2	3	4	5	6
Encouraging sustainability in the community	1	2	3	4	5	6
Partnering with the community to address climate change	1	2	3	4	5	6
Overall direction of the County.....	1	2	3	4	5	6
Promotion of the social health of Transylvania County (human services, affordable housing, homelessness, equity & inclusion, etc.).....	1	2	3	4	5	6
Promotion of the health of the environment of Transylvania County.....	1	2	3	4	5	6
Promotion of the economic health of Transylvania County.....	1	2	3	4	5	6
Support of businesses.....	1	2	3	4	5	6
Encouraging a variety of businesses.....	1	2	3	4	5	6
Retaining existing businesses.....	1	2	3	4	5	6
Attracting new businesses.....	1	2	3	4	5	6
Welcoming community member involvement.....	1	2	3	4	5	6
Listening to community members.....	1	2	3	4	5	6
Informing community members.....	1	2	3	4	5	6
Providing opportunities to participate in government activities	1	2	3	4	5	6
Providing volunteer opportunities to community members.....	1	2	3	4	5	6
Providing emergency information.....	1	2	3	4	5	6

	Respecting all community members regardless of race/ethnic background, gender, religion, age, disability, sexual orientation, or marital status.....	1	2	3	4	5	6
	Creating a welcoming, inclusive community where all community members feel a sense of belonging.....	1	2	3	4	5	6
14	Overall, how would you rate the quality of the services provided by the County of Transylvania County?	Very Good	Good	Average	Bad	Very Bad	No Opinion
15	Have you had contact with any County employee(s) by phone, in person, via email or online within the last 12 months?	Yes (Answer Q15A Only)	No (Answer Q15B Only)				
15 A	Thinking about your most recent contact, please rate the County employee(s) on each of the items below	Very Good	Good	Average	Bad	Very Bad	No Opinion
	Courtesy.....	1	2	3	4	5	6
	Promptness.....	1	2	3	4	5	6
	Knowledge	1	2	3	4	5	6
	Making you feel valued.....	1	2	3	4	5	6
	Overall impression	1	2	3	4	5	6
15 B	Although you may not have had any recent personal contact with County employees, we would like to know your impression of how County employees interact with Transylvania County community members. Please rate County employees on each of the items below.	Very Good	Good	Average	Bad	Very Bad	No Opinion
	Courtesy.....	1	2	3	4	5	6
	Promptness in responding to inquiries and service requests.....	1	2	3	4	5	6
	Making community members or customers feel valued.....	1	2	3	4	5	6
16	First, please select the option that best describes how you think the County should address each of the following aspects of the community. Then, please select which three (3) should be the top priorities for the County to focus on in the next 5 years.	More effort	Same effort	Less effort	No Opinion	Top 3 priorities	
	Economy: Includes economic planning and development activities, workforce training, childcare, education, employment opportunities	1	2	3	4	<input type="checkbox"/>	
	Environment: Includes efforts to ensure good water resources, good air quality, land conservation, smart growth, recycling, Our Climate Future quality, land conservation, smart growth, recycling, Our Climate Future (climate action, zero waste, energy policy), and an attractive community	1	2	3	4	<input type="checkbox"/>	

	Neighborhood Livability and Social Health: Includes promoting good neighbor relationships, ensuring attractive neighborhoods, historic preservation, an adequate supply of quality housing for all socio-economic groups, addressing poverty and homelessness, creating an inclusive community....	1	2	3	4	<input type="checkbox"/>
	Safety: Includes police, fire, stormwater, emergency medical response, and building inspection.....	1	2	3	4	<input type="checkbox"/>
	Culture, Parks & Recreation: Includes operating and improving recreational facilities, Transylvania County Recreation Center, Silvermont Mansion, Athletic Fields, etc; providing recreational, arts and cultural programs and public art; maintaining parks, trails; and improving natural areas.....	1	2	3	4	<input type="checkbox"/>
	Transportation and Mobility: Includes transportation planning and development, maintaining roads and traffic operations, Transfort operations, and bicycle and pedestrian safety	1	2	3	4	<input type="checkbox"/>
	General Government: Includes internal support functions, County management, Council, boards and commissions, volunteers, technology, communicating with community members and building maintenance and repair.....	1	2	3	4	<input type="checkbox"/>
17	Thinking about the next few years, what is ONE item or focus area you would like the County to improve?					
18	Why is it important to you, or the community overall, for the County to focus on the area you mentioned?					
19	Please indicate how frequently, if ever, you or other members of your household use each of the following sources for information regarding County issues, services and programs	Always	Frequently	Sometimes	Never	
	The County of Transylvania County local channels 14 and 881	1	2	3	4	
	Online video of Commissioner Board Meetings.....	1	2	3	4	
	County's website (www.transylvaniacounty.org)	1	2	3	4	
	County Clerk's Email List	1	2	3	4	
	Newsletters or brochures from County departments	1	2	3	4	
	County employees or departments (e.g., contacting by phone, email or in person).....	1	2	3	4	
	Word of mouth.....	1	2	3	4	

Newspaper (print or online)	1	2	3	4		
Radio.....	1	2	3	4		
Television news.....	1	2	3	4		
Social media (Facebook, Twitter, Nextdoor, YouTube, etc.)	1	2	3	4		
County booth at local events.....	1	2	3	4		
Other (please specify) _____	1	2	3	4		
DEMOGRAPHICS						

**Noise Control Regulations
Transylvania County, North Carolina**

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APPROVED BY THE
TRANSYLVANIA COUNTY
PLANNING BOARD
6/18/2020

**ARTICLE I
SHORT TITLE**

This Ordinance shall be known and cited as the Noise Control Ordinance of Transylvania County, North Carolina.

**ARTICLE II
AUTHORITY**

This Ordinance is adopted under the authority and provisions of the General Statutes of the State of North Carolina Article 6, Chapters 153A-121 and 153A-133.

**ARTICLE III
PURPOSE**

The purpose of this Ordinance is to establish an effective means of regulating and controlling loud and ~~offensive~~ **disturbing** sound and noise within Transylvania County to ~~1) promote the health, safety and general welfare for residents and visitors; and 2) protect the interest of local businesses while providing reasonable regulations~~ **its citizens.**

**ARTICLE IV
JURISDICTION**

This Ordinance shall apply to all areas of Transylvania County located outside the boundaries of any incorporated city or town. **Transylvania County Noise Ordinance is on file at the Transylvania County Clerk to the County Commissioners. NCGS § 153A-48 requires the ordinance to be kept on file with the clerk to the board. The Transylvania County Sheriff, or their appointee, shall be known as the Enforcement Officer.**

**ARTICLE V
DEFINITIONS**

SECTION 1: For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

- 1.1 **Ambient noise level:** an A-weighted sound level based on at least three readings made and recorded over a period of no less than ten minutes, made at the location where a complainant claims to be disturbed by an alleged violation but at a time when no noise is then being alleged to violate this Ordinance, and made at a point no closer than outside the property line of the property from where the noise is generated.
- 1.2 **Decibel:** a unit used to measure the intensity of a sound by comparing it with a given level on a logarithmic scale.
- 1.3 **Decibel Meter:** an instrument used to measure the noise or sound pressure level to determine whether the noise level exceeds the established level.

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- 1.4 Disturbing: a noise that annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person of ordinary sensibilities.
- 1.5 Noise: any sound or combination of sounds, which, because of its volume or quality, tends to disturb reasonable persons of ordinary sensitivity or to interfere with normal human activity.
- 1.6 Unreasonably loud: noise which is incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace and good order.

**ARTICLE ~~V~~ VI
NOISE REGULATIONS**

SECTION 2: Noise Regulations - It shall be unlawful for any person or persons to make, permit, continue, or cause to be made or to create any unreasonably loud and/or disturbing noise in the County. ~~It shall be unlawful to create, make, permit, continue, or cause to be made~~ noise of such character, intensity and duration as to be detrimental to the health, safety or welfare of any ~~reasonable person of ordinary firmness and sensibilities in the vicinity is prohibited~~ that is above the sound decibel limits set forth herein.

~~1.1 In determining whether a noise is unreasonably loud and/or disturbing, the following definitions shall apply:~~

- ~~A. "Unreasonably loud": noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace and good order.~~
- ~~B. "Disturbing": noise which is perceived by a person of ordinary firmness and sensibilities as interrupting the normal peace and calm of the area, neighborhood, or vicinity.~~

2.1. In determining whether a noise is unreasonably loud and/or disturbing, the following factors incident to such noise are to be considered based on the totality of circumstances surrounding a particular determination:

- A. Time of day;
- B. Proximity to residential structures;
- C. Whether the noise is recurrent, intermittent, or constant;
- D. Volume and intensity;
- ~~E. Whether the noise is enhanced in volume or range by any type of electronic or mechanical means;~~
- ~~F. Whether the noise is related to the normal operation of a business or other labor activity; and~~
- ~~G. Whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.~~

2.2. To determine if the noise is in violation of this Ordinance, the Enforcement Officer will use a decibel meter to measure the offending noise level in the following manner:

- 2.2.1. Sound measurements shall be made using a calibrated decibel meter in accordance with the manufacturers' recommended procedure.
- 2.2.2. Sound measurements shall be taken at the complainant's curtilage closest to the source of the offending noise, which shall be at the same location where the ambient noise level is recorded, if it's recorded.
- 2.2.3. Sound measurements shall be taken using an A-weighted sound level based on at least three readings made and recorded over a period of no less than ten minutes.
- 2.2.4. The offending noise level will be considered a violation if any one of the following occurs:
- 1) The offending noise level measurement exceeds the ambient noise level by 15 decibels or more between the hours of 9 p.m. and 6 a.m.; or
 - 2) The offending noise level measurement exceeds the total noise level of 65 decibels between the hours of 9 p.m. and 6 a.m.; or
 - 3) The offending noise level measurement exceeds the ambient noise level by 20 decibels between the hours of 6 a.m. and 9 p.m.; or
 - 4) The offending noise level measurement exceeds the total noise level of over 75 decibels between the hours of 6:00 a.m. and 9:00 p.m.
- 2.2.5. If, due to the nature of the offending noise level, no determination of an ambient noise level is practical, then a violation shall have occurred if the offending noise level exceeds:
65 decibels between the hours of 9:00 p.m. and 6:00 a.m.; or 75 decibels between the hours of 6:00 a.m. and 9:00 p.m.

SECTION 2 3: Exempted Noises - ~~The following noises are exempt from this Ordinance:~~
The maximum noise limitation standards defined in the preceding portions of this ordinance shall not apply to the following sources of noise:

- 3.1 Sound emanating from regularly scheduled outdoor athletic events or musical performances.
- 3.2 ~~Construction operations from 6:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government;~~ Equipment being used for construction operations during daytime hours provided all equipment is operating in accordance with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in properly operating condition.
- 3.3 Noises of safety signals, warning devices, emergency pressure valves, factory steam whistles and all mechanical and electronic church bells or chimes, or similar devices which operate during daytime hours for a duration of no longer than five minutes in any given period.

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- 3.4 Noises resulting from any authorized emergency vehicle ~~when responding to any emergency call or acting in time of emergency.~~
- 3.5 All noises coming from the normal operations of aircraft (not including small model aircraft).
- 3.6 Noise from lawful fireworks and noisemakers on holidays.
- 3.7 Noise from lawnmowers, weed trimmers, edging machines, or other similar small-engine yard maintenance equipment, properly equipped according to manufacturer's specifications, ~~and used between 6:00 a.m. to 9:00 p.m.~~
- ~~3.8 Musical accompaniment at military ceremonies that is taped outdoor music, or music played with instrument not electrically amplified.~~
- 3.9 Farming operations ~~shall be exempt from the operation of this ordinance~~ as defined by NC G.S. 106-581.1.
- 3.10 Use of firearms for recreational or law enforcement training purposes and noise associated with lawful taking of wildlife resources.
- 3.11 In any proceeding pursuant to this ordinance, if an exemption may be applied, the person who would benefit from the application of the exemption shall have the burden of persuasion that the exemption applies and that the terms of the exemption have been met.

SECTION 3 4: Noises Prohibited - ~~The following noises are prohibited~~ In addition to any other violation of this Ordinance, the following list of prohibited noises are specifically declared to be unreasonably loud, distributing and annoying, the creation or emission of which shall be unlawful. The following noises shall not be deemed to be exclusive and other sources of unreasonably loud and disturbing noise are subject to the provisions of this Ordinance.

- ~~3.1 Noise or sounds that are substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.~~
- ~~3.2 Noise that is perceived by a person of ordinary and reasonable sensibilities as interrupting the normal peace and calm of an area or neighborhood.~~
- 4.1 Dogs or any other constrained animals that, by frequent, recurrent or constant ~~habitually~~ howling, yelping, barking, ~~baying~~ or otherwise cause unreasonably loud or disturbing noises ~~and produce seriously annoying disturbance to any person or to the neighborhood between the hours of 9:00 pm to 6:00 am,~~ provided the animals are not associated with farming operations as defined by NC G.S. 106-581.1.
- 4.2 The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a warning or danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time.

- 4.3 The playing of any sound magnifying device, radio, television, or amplifier system or other musical instrument or musical player in a manner and with such volume as to disturb the quiet, comfort, or repose of any person or persons in any dwelling or other type of residence.
- 4.4 Operating or permitting the operation of any automobile, motorcycle, dirt bike, go-cart, recreational vehicle, remote control vehicle, ~~or other vehicle that engages in jackrabbit starts, spinning tires, racing engines, or other operations including without limitation operating an overloaded or out of repair vehicle which creates unreasonably loud or disturbing noise so as to disturb the comfort and repose of any person of normal sensibilities in the vicinity~~ that by frequent, recurrent or habitually constant operation causes unreasonably loud or disturbing noises. This includes but is not limited to vehicles which engage in jackrabbit starts, spinning tires, racing engines, or constitute an overloaded or out of repair vehicle, and results in creating unreasonably loud and disturbing noises so as to disturb the comfort and repose of any person of normal sensibilities in the vicinity.
- ~~3.5 Knowingly permitting the occurrence or emanation of any of the foregoing specifically enumerated violations of this Ordinance on property owned, possessed, or used in whole or in part by any person or entity shall be a violation of this Ordinance.~~

ARTICLE VII NOISE COMPLAINT PROCEDURE

In the event any person has reasonable grounds for believing that any provision of this Ordinance is being violated, he may make a report thereof to the Transylvania County Sheriff's ~~Department~~ Office, which shall investigate the alleged violation. If any such investigation reveals a violation, the investigating deputy has the authority to cause a written complaint to be made and may obtain criminal process for violation thereof, may issue a citation for a civil penalty, and/or may obtain other enforcement measures as allowed in this Ordinance. Criminal process for violation of this Ordinance may only be obtained by personnel from the Transylvania County Sheriff's ~~Department~~ Office.

PRESUMPTION IN PROSECUTION OF NOISE ORCINANCE VIOLATIONS

The complaints of two or more persons, at least one of whom resides in a different home from the other complaining person or persons, when combined with the observations of an Enforcement Officer investigating the complaint, shall be prima facie evidence that such sound is unreasonably loud, disturbing and annoying. Noise level measurements shall not be required for the establishment of a prima facie case.

ARTICLE VIII VIOLATIONS, PENALTIES, & ENFORCEMENT

This Ordinance may be enforced in accordance with any and all of the provisions of N.C.G. S. § 153A-123 and of any other applicable enforcement provision as may be set forth within the Transylvania County Ordinances or as may be provided for by applicable law.

SECTION 5: Penalties

5.1. Criminal penalties: Any Deputy Sheriff of Transylvania County, having first investigated this matter, pursuant to Article VI above, may obtain criminal process for violation of this Ordinance. A violation of any Ordinance provision shall constitute a Class 3 misdemeanor and may be punished by fine in the discretion of the Court, up to a maximum of \$500 per offense.

5.1.1. Warning: Upon the violation of a particular provision of this Ordinance, an individual may be issued a warning. Such warning shall identify the particular practice which is in violation of the Ordinance and shall state the time, date and place of the violation. Such warning shall further state that if the individual commits further violations following the date of the warning, Transylvania County, by and through an enforcement agent, may cause a warrant to be issued for the individual's arrest.

5.1.2. Arrest or Citation: Upon the violation of a particular provision of this Ordinance, a law enforcement officer having jurisdiction may charge the offender with a misdemeanor committed in the officer's presence, by arrest or citation, as set forth in Chapter 15A of the North Carolina General Statutes.

5.1.3. Warrant: Upon the violation of a particular provision of this Ordinance, Transylvania County, by and through an enforcement agent, may request from a magistrate that a warrant be issued for the arrest of the individual.

5.2. Civil Penalties: Any individual who is found in violation of this Ordinance may be subject to a civil penalty. The amount of such civil penalty shall be assessed as described below. Each day the violation continues shall be considered a separate offense and therefore such continuing violation may be subject to multiple civil penalties as described below:

5.2.1. Compliance Order:

5.2.1.1. Upon making a determination that a person is in violation of this Ordinance, Transylvania County or an Enforcement Officer may issue a compliance order to the person in violation of this Ordinance. The compliance order shall notify the violator of the violation in writing. Such order shall identify the circumstances giving rise to the violation, including the times, dates and places of the violation. Such notification shall further identify the action which is necessary to comply with this Ordinance. Such order shall state that if the violator does not comply within a reasonable time, not to exceed 15 days, the individual will be subjected to a civil penalty. If circumstances exist such that the violator cannot come into compliance within 15 days, Transylvania County may grant an extension of time commensurate with the magnitude of the violation. The compliance order shall further state that failure to comply with the terms of the compliance order will subject the violator to a civil penalty and shall further state the amount of said civil penalty.

Failure to comply with the terms of a compliance order issued by Transylvania County within the time stated in the order shall subject the violator to a civil penalty of \$500.00. Each day that the violation continues

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shall be considered a separate offense, and the violator may be subject to additional \$500.00 civil penalties for each separate offense.

Appeal of civil penalties: Any person issued a civil penalty under the provisions of this section may appeal by filing an appeal in writing with the Transylvania County Sheriff within ten (10) calendar days after the civil penalty is issued. The written appeal shall state all reasons that the civil penalty was wrongly applied and shall include all supporting documentation that the appellant contends supports the appeal. If a person files a written appeal within the time provided in this section, the penalty being appealed shall be stayed pending the decision of the Sheriff or arbitrator. Unless the Sheriff, or the delegate of the Sheriff, decides to allow the requested relief based on the appeal request, the Sheriff shall send each appeal request to arbitration. The Sheriff shall select an arbitrator other than an employee of Transylvania County. The arbitration shall be conducted, to the extent practicable, in accordance with the Supreme Court Rules for Court-Ordered Arbitration in North Carolina. The arbitrator shall be paid a fee equal to the maximum fee specified in such Rules. The arbitrator shall issue a written determination, within a reasonable time, stating whether the disputed civil penalty will be approved without change or modified or reversed.

All decisions of the Sheriff and arbitrator shall be served on the petitioner.

5.2.2. Civil Action: When necessary to collect any civil penalty or accrued civil penalties, a civil action may be instituted by the County against an individual for the collection of all accrued penalties if not paid within thirty (30) days of assessment.

Section 6: Equitable Remedies: This Ordinance may be enforced by the County through equitable remedies, and any unlawful condition existing in violation of this Ordinance may be enforced by injunction or order of abatement in accordance with N.C.G.S. § 153A-123.

6.1. Injunction: Where necessary to effectuate compliance with this Ordinance, Transylvania County may institute an action in a court of competent jurisdiction seeking an injunction against the further violation of this Ordinance. Such action may be joined with a civil action instituted to collect accrued civil penalties in accordance with the provisions above, and may be brought against any person or entity causing a violation of this Ordinance or against an owner of a premises upon which a violation of this Ordinance occurred.

6.2. Order of Abatement: Where necessary to abate a condition existing upon land in violation of this Ordinance or a use made of land in violation of this Ordinance, Transylvania County may institute an action in a court of competent jurisdiction seeking an order of abatement of the use or condition of land in violation of this Ordinance. Such action may be enjoined to an action for an injunction and/or an action to recover civil penalties accrued against an individual for the use or condition of land in violation of this Ordinance.

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- 6.3. Other Equitable Remedies: This Ordinance may be enforced by any other equitable remedy which a court of competent jurisdiction deems just and proper.
- 6.4. To the extent allowable by law, reasonable attorney's fees may be sought by the County or its authorized agent in any action to enforce the provisions of this Ordinance.

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ARTICLE VIII IX
LEGAL STATUS PROVISIONS

- A. Effective Date of Ordinance:
This Ordinance shall take effect immediately upon its adoption by the Transylvania County Board of Commissioners, and shall amend and supersede the previously existing Noise Control Regulations Ordinance existing prior to this Ordinance's adoption.
- B. Severability:
If any provision or provisions of this Ordinance shall be deemed by a Court of law having Jurisdiction over such matters to be unenforceable, invalid, or unconstitutional for any reason, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared to be unenforceable, invalid, or unconstitutional.
- C. Conflict of Laws or Ordinance Provisions:
Whenever the regulations of this Ordinance conflict with each other, or with the requirements of another statute, the more restrictive standard shall govern.

This Ordinance shall be in full force and effect from and after its adoption.

Adopted this 14th day of July, 2008.
Amended

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board



NOISE ORDINANCE PROPOSED REVISIONS

11/12/19

PLANNING & COMMUNITY DEVELOPMENT

Noise Control Ordinance



- :
- Current Noise Ordinance was adopted in 2008 and amended in 2013 .
- The Planning Board was directed to review and propose potential amendments in late 2018.

Noise Control Ordinance

Revision Process

The Transylvania County Planning Board:

- Reviewed the current Noise Control Ordinance
- Discussed potential revisions with the Sheriff's Office and County Attorney
- Considered revisions at multiple meetings in 2019
- Received public input
- Considered additional revisions based on public feedback and comments from the Sheriff's Office and County Attorney
- Recommended a draft version for the County Commissioners Consideration on October 17, 2019

Significant Changes:

- New Definition of what defines a “disturbing noise”:
 - “ a noise that annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of a reasonable person of ordinary sensibility

- Amended the regulations on how to determine if a noise is in violation (location of measurement, duration, decibels, timeframe, practicability)
 - Measurements taken at the complainant's curtilage closest to the noise
 - Noise level has to exceed the decibel limit for more than 50% of the time measurement. (Three (3) readings in less than 10 minutes exceeding ambient noise level by 15 decibels for a total of 65 decibels during the night hours and 75 decibels during the day.)
 - If not practicable, it can't exceed 65 decibels at night and 75 decibels during the day

- Amended exempted noises including “firearms used for lawful recreational purposes”

- Amended prohibited noises (violating noises exceeding 65 or 75 decibels depending on whether at day or night)

- Added clarifying language on noises from dogs and farm operations

Request BOC to Schedule a Public Hearing

Questions?