

Unsealed by the Board of Commissioners on 02/12/2024.

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 10, 2020 – CLOSED SESSION

Pursuant to NC General Statute § 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, closed session was entered into at 6:15 p.m. Present were Chairman Hawkins, Commissioners Cathey, Chappell, Guice and Lemel, County Manager Jaime Laughter, County Attorney Natalia Isenberg, and Clerk to the Board Trisha Hogan.

Due to the public outcry in reference to the Dollar General store proposed to be built at the base of Becky Mountain Road on US 276, many citizens have requested the Board of Commissioners enact a moratorium on development in Transylvania County. The County Attorney provided legal guidance on moratoria laws in North Carolina and advised against such action based on the current statutes and case law.

The County Attorney informed the Commissioners that she has studied this issue carefully since it was first raised in December. She stated there must be a compelling health or safety issue that justifies the extraordinary remedy of enacting a moratorium and since no legal facts or other information have been presented proving otherwise, the County Attorney advised against it. Otherwise, doing so would put Transylvania County at great risk for significant liability.

The Manager pointed out that a common misunderstanding is that flood ordinances prevent development and that is not the case. Flood ordinances guide development in a way that minimizes damage from flooding. Citizens have also requested the County to update and/or create its own flood maps. The flood maps are FEMA driven and thus a nationally accepted standard. Creation of our own maps would not only come at a great expense but would also cause the County to lose some of its defensibility from a liability standpoint by moving away from the nationally accepted FEMA maps.

The Board of Commissioners has two options moving forward, neither of which would impact the Dollar General project: update the flood ordinance or enact land use regulations.

Chairman Hawkins moved to leave closed session, seconded by Commissioner Cathey and unanimously carried.

 Mike Hawkins, Chair
 Transylvania County Board of Commissioners

ATTEST:

 Trisha M. Hogan, Clerk to the Board