

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AND PUBLIC HEARING- January 22, 2007

The Board of Commissioners of Transylvania County met in regular session on Monday, January 22, 2007 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse. Chairman Jason Chappell presiding called the meeting to order at 7:00 p.m.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed and Vice-Chairman Kelvin Phillips.

Staff members present were: Manager Artie Wilson, County Attorney Jeanne Hall, Project Manager Larry Reece, Deputy Jeff Hubbard, Tax Assessor/Collector David Reid, Health Director Steve Smith, Board of Elections Director Judy Matthews, Mike Thomas, Genelle Chapman, Charlene Stone, Annette Raines, Personnel Director Shelia Cozart, Register of Deeds Cindy Ownbey, Finance Director Gay Poor, Recreation Director Rick Pangle and Clerk to the Board Trisha McLeod.

Media: *Transylvania Times*- Carleigh Knight
Times News- Jonathan Rich

There were approximately 35 people in the audience.

WELCOME

Chairman Chappell welcomed everyone to the meeting.

PRAYER

Commissioner Bullock offered the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Hogsed led the Pledge of Allegiance.

PUBLIC HEARING

Mike Thomas with the Planning and Economic Development Department addressed the Board. He explained that the county has received a request from the Lake Toxaway Property Owners' Association to support rule-making at Lake Toxaway. By rule-making, they mean placement of various markers and buoys around the lake regulating things like no wake zones, speed limits, danger areas, etc. According to state statutes, the Wildlife Resources Commission has jurisdiction over this area and they require permission to put up safety related markers and buoys. The Board of Commissioners received a request from the Lake Toxaway Property Owners' Association to adopt a resolution in support of the proposed buoy system. Mr. Thomas explained the public

would be allowed to comment on this proposal and then the plan would be to take action based on any public input.

The Commissioners received a map of the lake showing eight (8) points around the lake where the proposed markers are to be placed. These areas were chosen for various safety reasons. The Sheriff's Department has been contracted to patrol the lake but they are unable to enforce the safety rules because the areas are not properly marked. The Wildlife Resources Commission requires the local governing jurisdiction to pass a resolution in support of markings on the waterways. The Commissioners received a copy of the draft resolution. Mr. Thomas introduced Robert Berg, a representative from the Lake Toxaway Property Owners' Association, who provided more background on their past experiences on the lake.

Mr. Berg explained that there have been continuing problems on the lake. The Sheriff's Department patrols the lake on a continuing basis but because there are no markers they are unable to enforce the speeding and no wake regulations. The resolution to the Wildlife Resources Commission is the first step in the fixing this problem. Mr. Berg stated that even though Lake Toxaway is private the state requires that they allow public input before proceeding with resolution.

There being no public comment, Chairman Chappell declared the Public Hearing closed and explained this would be an agenda item at the next Board of Commissioners' meeting.

PUBLIC COMMENT

No one from the audience addressed the Board.

AGENDA MODIFICATIONS

The Manager reported on the Agenda Modifications as requested. Under New Business Item F, Seed Money for Appalachian Counseling, Item G Information Received from the Board of Elections and Item H Draft Legislation on Land Transfer Tax were added to the Agenda. The Manager's Report was moved to Item I. Under Appointments, Item A, Transylvania County Council on Aging was removed from the Agenda.

Commissioner Guice moved to approve the agenda as amended, seconded by Commissioner Bullock and unanimously approved.

CONSENT AGENDA

Chairman Chappell requested that the Board vote on the Facilities Use Request separate from the other consent agenda items.

The following items were approved:

MINUTES:

The minutes of the January 8, 2007 regular meeting and closed session were approved as submitted.

DISCOVERY AND RELEASE REPORT:

The Discovery and Release Report for Accounting Periods 11/1/2006 to 11/30/2006 and 12/1/2006 to 12/31/2006 were approved as submitted.

Commissioner Phillips moved to approve the Minutes and the Discovery and Release Reports of the Consent Agenda as presented, seconded by Commissioner Guice and unanimously approved.

FACILITIES USE REQUEST: REQUEST FROM BREVARD LITTLE THEATRE TO USE LARGE COURTROOM:

Brevard Little Theatre has submitted a request to the Board to use the large courtroom on October 19, 20 and 21 and October 26, 27 and 28 for a courtroom drama and on several others dates for rehearsal. After receiving the request, Mr. Wilson spoke with Clerk of Court Rita Ashe to see if there was a conflict with court schedules. Mrs. Ashe had concerns about materials being left behind and security issues. The Manager's recommendation was to deny their request. Chairman Chappell shared the Manager's concern and asked for Commissioners' comments. Commissioner Guice agreed with the Manager and stated that BLT indicated in their request that they could be very flexible but he felt because of the number of dates they had requested it would be very difficult to accommodate them. Commissioner Hogsed disagreed with the recommendation. He stated the courthouse is a public building and previous Boards have allowed the public to use public facilities. The Commissioners agreed to try to reach a compromise with BLT and then discussed options.

Commissioner Hogsed moved to give the County Manager direction to consider a compromise with the Brevard Little Theatre concerning the rehearsal dates, the possibility of using either the small courtroom or the large courtroom on the weekends prior to the production, seconded by Commissioner Guice and unanimously approved.

PRESENTATIONS/RECOGNITIONSTRANSYLVANIA COUNTY TRANSPORTATION PLAN

Mr. Matt Day, transportation engineer with NCDOT, addressed the Board with his proposals for the Transylvania County Transportation Plan. The Comprehensive Transportation Plan is intended to be a long range plan that explains the projects that should be built within the next 20-30 years. This plan is set up to be adopted by the Board of Commissioners, Brevard City Council and the Rosman Board of Aldermen.

The Commissioners received a packet that included ten (10) maps: one (1) adoption sheet, three (3) highway maps with different colors to designate the types of roads (freeways, expressways, boulevards and thoroughfares) and shows existing roads and

recommended roads, three (3) rail and public transit maps that show recommended bus or rail improvements, and three (3) bicycle maps that show the routes they recommend for bicycle improvements.

There are 5 different highway types used in CTP's in North Carolina:

- Freeway- similar to an interstate
- Expressway- major 4-lane divided road with some intersections and no signals
- Boulevard- 4-lane divided highway with driveways
- Major Thoroughfare- 5-lane road or US highway that is a 2-lane road
- Minor Thoroughfare- any other 2-lane road.

Mr. Days' recommendations result from a technical analysis of the projected traffic and in determining capacity problems, a safety analysis of the crash rates, an environmental screening to see if the proposed recommendation would have an adverse effect on the environment and collaboration with staff and the public. He has been working very closely with the County Transportation Committee and they have developed a set of recommended prioritizations, i.e. projects that are high priority, medium priority or low priority.

Recommended High Priority Projects:

- US 64 West- safety improvements including straightening some of the curves and widening lanes to 12 feet which is standard for a major road; adding truck climbing lanes where possible
- Asheville Highway/US 64/276 & NC 280- addition of a median on the current 4-lane undivided and 5-lane sections
- NC 215- TIP Project
- NC 281- TIP Project; pave unpaved sections
- Brevard West Loop- proposed by the City of Brevard to help improve traffic flow within the city; provides an alternative route for local traffic in western Brevard neighborhoods; helps to relieve congestion on US 64 corridor through downtown
- US 64 Unbalanced- completion of unbalanced couplet through downtown Brevard; widen Caldwell Street between Rosman Highway and Main Street to allow 2 westbound lanes; re-stripe Rosman/Broad intersection and South Broad Street to allow 2 eastbound lanes
- Old Hendersonville Road/Ecusta Road & Wilson Road- realignment of Ecusta Road/Wilson Road offset at Old Hendersonville Road; creates one 4-leg intersection
- Sylvan Valley Parkway (Brevard Bypass)- 2-lane expressway on 4-lane right-of-way; could be extended to 4 lanes in the future if needed; expressway cross-section (controlled-access, no signals, some interchanges); extends from NC 280 near Hudlin Gap Road to US 64 near Selica Road; more detailed environmental study is necessary

Medium Priority Projects:

- Rosman Highway- addition of a median to existing 5-lane sections; widening to 4-lane divided boulevard between Clement Road and Old Rosman Highway to accommodate higher traffic volumes; the right-of-way already exists for that widening.
- Brevard East Loop- 2-lane Minor Thoroughfare, part on new location-intersection improvements along existing roadways; realigns Gallimore Road/Greenville Highway intersection with Parkview Drive; facilitates local movement around eastern Brevard

Low Priority Projects:

- US 64 East- widen to a 4-lane divided boulevard from NC 280 to Glade Creek Road to accommodate traffic growth and provide connection to proposed Sylvan Valley Parkway; minor intersection improvements to maintain through mobility on remaining 2-lane sections
- US 276 South- widen to a 4-lane boulevard from Wilson Road/Sylvan Valley Parkway to Island Ford Road; provide truck climbing lane between Island Ford Road and East Fork Road; this will allow the road to handle increased traffic
- US 178 in Rosman- realign US 178 through Rosman to straighten the route's path, avoid potential congestion near the existing bridge and elementary school, and by-pass flood-prone section; this recommendation would require a new bridge over the French Broad River

Other Minor Projects and Spot Improvements:

- Turn lane at Greenville Highway and Gallimore Road
- Turn lane at Old 64 and Neely Road/Chestnut Street
- Macedonia Church Road and Silversteen Road improvements
- Old Rosman Highway and Calvert Road safety improvements
- Wilson Road- raise from floodplain
- Island Ford Road- raise from floodplain
- Minor widening on: US 178, US 276 South, NC 281 North, Old Hendersonville Road, Old Toxaway Road, Cascade Lake Road, Cashiers Valley Road, Country Club Road, East Fork Road, Everett Road, Frozen Creek Road, Illahee Road, Island Ford Road, King Road, Macedonia Church Road, Old Rosman Highway, Osborne Road, Silversteen Road, Wilson Road, Barclay Road, Blantyre Church Road, Kim Miller Road, Probart Street, Reasonover Road

Other modes:

- Rail- maintain existing freight line and if abandoned in the future, preserve the corridor as a multi-use path

- Transit- develop fixed route bus service between Brevard and Asheville/Hendersonville; develop feeder bus routes to serve US 64 corridor/Rosman and US 276 corridor/Cedar Mountain
- Bicycle- improve signed bicycle routes and other popular routes countywide through various means, including shoulders, bicycle lanes, warning signs, and education programs; construct the multi-use paths outlined in the Brevard Comprehensive Pedestrian Plan

The Board agreed to hold a Public Hearing on the Comprehensive Transportation Plan at the next regular session meeting on February 12, 2007 before the Board moves ahead with adoption of the plan. Mr. Matt Day will return to make a presentation to the public. Maps of the plan will be posted on the county website and at the library.

NEW BUSINESS

CONSTRUCT MULTI-PURPOSE FIELD AT THE RECREATION CENTER

Mr. Mike Hawkins addressed the Board to discuss the construction of a multi-purpose field at the Recreation Department. Commissioners agreed that the construction of this field is an excellent opportunity to begin dealing with some issues related to the recreation needs in the county.

Commissioner Guice moved to approve the multi-purpose field and greenspace project as long as all the city requirements can be met with the funds allocated by the Board of Commissioners with monies to come from the contingency line item, seconded by Commissioner Hogsed and unanimously approved.

PLANS FOR EXPANSION OF THE HEALTH DEPARTMENT

The Manager asked Health Director Steve Smith to address the Board regarding the needs of the Health Department. Project Manager Larry Reece discussed the proposed layouts of the Health Department and DSS building. The Commissioners received copies of the layouts for both buildings.

Steve Smith explained that the expansion of the Health Department to the third floor of the DSS building will allow them to improve the quality of services to citizens. The Health Department will be able to increase the numbers served in existing programs and consider new or additional programs. Last year they delivered 23,000 services to the citizens which directly impacted 8,000 individuals in the county.

Larry Reece stated that 18 personnel would be relocated to the third floor of the DSS building. The necessary connections need to be made for hot/cold water, plumbing, heating and electricity. There is approximately 7,300 square feet of usable space.

He also stated that Environmental Health staff will remain on the first floor of the Community Services Building and use their existing labs for testing.

Mr. Smith explained that one of the ideal aspects of moving public health services to the third floor is increased and enhanced privacy. The design also allows them to incorporate some interior privacy as well so there are not people in one common area. For example, there could be mothers with young children there at the same time as someone with communicable disease issues and the design allows staff to segregate clients as needed.

Commissioner Phillips moved to approve the concept and authorize the Manager to move ahead with the construction drawings and go out for bids on the project, seconded by Commissioner Guice and unanimously approved.

RESOLUTION 34-07 NAMING SECTION OF US 64 IN HONOR OF MR JACK BRYANT

The Manager was recently contacted by Joel Setzer with the NC Department of Transportation. Mr. Setzer explained they were looking at naming opportunities in Western North Carolina for those that had significant impact to surrounding counties. Transylvania County had one board member, Mr. Jack Bryant that served on the Transportation Board from July 1977 to June 1981. One of the keys projects that he was very instrumental in was the construction of the new road from Brevard to Rosman. Mr. Setzer explained that if the Board of Commissioners was interested, they would need to pass a resolution recognizing and recommending that recognition be made in that person's honor. Chairman Chappell read Resolution 34-07 for the public's interest.

Commissioner Guice moved to approve resolution 34-07 Requesting the NC Department of Transportation to name the section of US 64 from Brevard to Rosman in honor of Mr. Jack Bryant, seconded by Chairman Chappell and unanimously approved.

REPORT OF UNPAID TAXES THAT ARE LIENS ON REAL PROPERTY

Tax Collector David Reid addressed the Board. So far this year, \$407,853.68 has been collected in taxes. His staff teamed up with the IT Department and got their debt setoff letters mailed very early this year, months ahead of last year. Every taxpayer from Transylvania County that has delinquent property taxes will have their North Carolina income taxes attached as a result of getting these letters out on time. As of December 4, 2006 they have received \$206,994.46. They have been working on delinquent accounts and with those efforts they've collected \$76,376.46. Mr. Reid stated there are currently 180 taxpayers on payment plans and the total receipts on those payment plans since July 1, 2006 is \$54,764.70. They have 65 contracts in default and 26 payment plans were paid on full for a total of \$20,588.92. They've received \$625.12 in garnished wages from 2 taxpayers. Mr. Reid noted they now are able to accept credit card payments and have collected \$7,357.79. When the collections and assessors offices joined together they found they had additional resources which have improved the efficiency in customer service.

Mr. Reid asked the Board to authorize him to advertise the 2006 delinquent real property taxes; per NCGS 105-369 (a) "the governing body must order the tax collector to advertise the tax liens".

He noted that in the past couple of years, Transylvania County has had one of the best collection rates in the state of North Carolina. In the last 6 year period, they've had a 97% collection rate.

Commissioner Phillips moved to order the Tax Collector to advertise the tax liens, seconded by Commissioner Bullock and unanimously approved.

SALE OF HOUSE AT CALVERT

The Manager stated the Board of Commissioners has approved the Calvert site as the new location for the new animal shelter. The County has hired Daggett and Grigg Architects to begin the design of a new shelter at that location. Currently there are several structures on the property including a house. The Board received pictures of the house and some of the buildings on the property. The county is asking the Board to declare the house and outbuildings as surplus since they cannot be used in the future and authorize the Manager to advertise the sale and removal of the house and outbuildings.

Chairman Chappell moved to declare the house and any outbuildings that are not of use to the county as surplus and authorize the Manager to remove the house and outbuildings from the location via sale or demolition by which method is more cost effective to the county, seconded by Commissioner Phillips and unanimously approved.

SEED FUNDS FOR APPALACHIAN COUNSELING

This afternoon the Manager and the local mental health group met with the Director of Western Highlands LME to discuss the gaps in mental health services in Transylvania County. Appalachian Counseling has requested seed funds from the county to help serve IPRS clients. \$71,000 in MOE funds was returned to the LME when New Vistas/Mountain Laurel dissolved. The Manager's recommendation is to take \$15,000 of the \$71,000 in MOE funds and use it towards seed money to help with serving IPRS clients of Transylvania County. The Manager noted these funds are not reoccurring funds.

Commissioner Phillips moved to approve the \$15,000 in seed funds for Appalachian Counseling with funds to come from the LME which is the return of the MOE funds, seconded by Commissioner Bullock and unanimously approved.

BOARD OF ELECTIONS

The Manager explained that the county received a letter from the Board of Elections this afternoon stating their plans to alter the voting place for Brevard Precinct #1. The Board of Elections will consider a resolution at its meeting on February 2, 2007 to alter the voting place for Brevard #1 Precinct to the Rogow Community Room at the library which will be forwarded to the Executive Director of the State Board of Elections for approval. They will then give notice of this change as prescribed by statute.

Chairman Chappell asked the Board if they wanted to discuss the issue or call a special meeting before the Board of Elections meets on February 2, 2007. Chairman Chappell

will see if the Board of Elections will defer their meeting and if they will not, he will call a special meeting to discuss the issue.

LAND TRANSFER TAX

Chairman Chappell said The Land of Sky Regional Council will meet on Wednesday and one of their agenda items will be a draft joint resolution to “draft legislation enabling counties in the Region B to levy a local land transfer tax for the purposes for providing affordable housing”. He explained that he had no further information but would be expected to vote on this at the meeting on Wednesday. The Commissioners received a copy of the resolution. Chairman Chappell asked for direction from the Board.

Commissioner Hogsed moved for Chairman Chappell to vote against it for now, seconded by Commissioner Guice and unanimously approved.

MANAGER’S REPORT

There will be a mental health forum in Transylvania County in order for the citizens to give input to the LME. The date has not been set but will take place by mid-February.

Clerk to the Board, Trisha McLeod, will be attending New Clerks’ School the rest of the week.

On February 7, the Land of Waterfalls Partnership for Health will meet at the Rogow Community Room to provide an update on community health. The Manager encouraged all commissioners attend the meeting.

The Addressing Project is on target to complete by the end of February.

The City of Brevard approved the Martin-McGill floodplain study. The county will be taking the lead on that project.

Today the Manager, Clerk to the Board Trisha McLeod and Administrative Assistant Sherry Simpson started reviewing all the sealed minutes from past meetings. At the next meeting on February 12, 2007 the Commissioners will receive a list of those minutes to approve to unseal.

PUBLIC COMMENT

No public comment.

COMMISSIONERS’ COMMENTS

Commissioner Guice commended prior Boards of County Commissioners for being forward-thinking in their planning. The Board was able to vote tonight on the use of the third floor of the DSS building and the Community Services Building because the former Board made very good decisions as it relates to spending taxpayer dollars. He encouraged the Commissioners to attend a one day class on March 21st, 2007 at the

School of Government in Chapel Hill. The title of the program is “Manager Evaluation and Board Self-Assessment”.

Commissioner Bullock thanked the Tax Collections/Assessors Office for the work they’ve done.

Commissioner Hogsed asked people to remember the Fire Chief from Cedar Mountain, Mr. Taylor, as he recovers from a wreck and to remember the Hudson Family that lost their home.

Chairman Chappell announced that donations to the Hudson Family can be made to Anchor Baptist Missions or the Red Cross.

There being no further business to come before the Board, **Commissioner Bullock moved to adjourn the meeting, seconded by Commissioner Phillips and unanimously carried.**

The meeting adjourned at 9:20 p.m.

Jason R. Chappell, Chairman
Board of Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board