

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
September 24, 2007- REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, September 24, 2007 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

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

Staff members present were County Manager Artie Wilson, Planning and Economic Development Director Mark Burrows, Veterans Services Coordinator Frank Pearsall, Fire Marshal Gerald Grose, Board of Elections Director Judy Mathews, Paulette Wall, Jessica McCall, Emergency Services Director David McNeill, Annette Raines, Charlene Stone, Tax Assessor/Collector David Reid, Genelle Chapman, Register of Deeds Cindy Ownbey, D'Ree McCall, Beth Sales, Karin Smith, Teresa Morton, County Attorney Jeanne Hall, County Attorney Curtis Potter, Human Resources Director Sheila Cozart, Mike Thomas, Stuart Lasater, and Clerk to the Board Trisha McLeod.

Media: *Times News*- Jonathan Rich
Transylvania Times- Mark Todd

There were approximately 40 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:00 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting.

PUBLIC COMMENT

Mr. Don Surrette: Mr. Surrette, a member of the non-profit American Chestnut Foundation, explained the group's efforts to restore the American Chestnut. He offered brochures and other information to the Commissioners and the audience. Mr. Surrette noted that an endowment fund has been created to provide funding for this cause.

Ms. Joan Williams: Ms. Williams thanked the Commissioners and the Manager for allowing a Peace Pole to be located on County property. The Peace Pole Dedication Ceremony was held on Friday, September 21 at which approximately 87 people were in attendance. Ms. Williams said that speakers at the ceremony represented all seven foreign languages on the Peace Pole. The message on the Peace Pole reads "May Peace Prevail".

AGENDA MODIFICATIONS

There were no Agenda modifications.

Commissioner Hogsed moved to approve the Agenda, seconded by Commissioner Phillips and unanimously approved.

CONSENT AGENDA

Commissioner Phillips moved to approve the Consent Agenda as presented, seconded by Commissioner Guice and unanimously approved.

The following items were approved:

MINUTES

Minutes from the September 10, 2007 regular meeting were approved.

FACILITIES REQUESTS

The use of the Gazebo by the Brevard Jaycees for the Transylvania County Toy Run was approved for September 29, 2007 from 12:00 p.m. to 3:00 p.m.

The use of the Gazebo by Larry Tinsley for preaching and singing was approved for October 20, 2007 from 6:00 p.m. to 10:00 p.m.

The use of Silvermont by Robert and Libby Dixon for a covered dish dinner for the Sylvania Neighborhood was approved for September 26, 2007 from 6:00 p.m. to 8:00 p.m.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for August 2007 was approved.

PRESENTATIONS AND RECOGNITIONS

RECOGNITION OF PAULETTE WALL FOR OBTAINING HER SENIOR MAPPER CERTIFICATION

On August 3, 2007, Paulette Wall tested and passed the examination for Senior Mapper. To obtain Senior Mapper Certification one must achieve a passing score on Fundamentals of Listing and Assessing, a passing score for Regular and Senior Mappers examination and be a member in good standing of the North Carolina Property Mappers Association (NCPMA). The NCPMA is made up of 396 members from 94 counties in the State of North Carolina. The Senior Mapper is the highest designation given by the NCPMA. As of 2006, 126 members have obtained this certification.

The Commissioners recognized Ms. Wall for obtaining her Senior Mapper Certification and presented her with a Certificate of Recognition. Tax Assessor/Collector David Reid thanked Ms. Wall for the work she does in the Tax Assessor's Office.

RECOGNITION OF CINDY OWNBEY FOR RECEIVING HER ADVANCED CERTIFICATION

In April 2007, Register of Deeds Cindy Ownbey attained Advanced Certification through the North Carolina Association of Register of Deeds (NCARD). In order to attain Advanced Certification, she had to successfully complete the School for Registers of Deeds at the NC School of Government, including passing the comprehensive exam, and numerous other short courses and seminars relevant to the workings and functions of the Register of Deeds Office.

Commissioners recognized Ms. Ownbey for obtaining her Advanced Certification and presented her with a Certificate of Recognition. The Manager noted that Ms. Ownbey and her Staff are some of the first graduates of this program.

RECOGNITION OF BETH SALES FOR RECEIVING HER ADVANCED CERTIFICATION

In April 2007, Beth Sales attained her Advanced Certification through the North Carolina Association of Register of Deeds (NCARD). In order to attain Advanced Certification, she had to successfully complete the School for Registers of Deeds at the NC School of Government, including passing the comprehensive exam, and numerous other short courses and seminars relevant to the workings and functions of the Register of Deeds Office.

Commissioners recognized Ms. Sales for obtaining her Advanced Certification and presented her with a Certificate of Recognition. Ms. Ownbey noted that Ms. Sales and Ms. McCall both requested to work towards Certification which shows initiative and dedication to the job.

RECOGNITION OF D'REE MCCALL FOR RECEIVING HER CERTIFICATION

This year D'Ree McCall received Certification through the North Carolina Association of Registers of Deeds (NCARD). In order to attain Certification, she had to successfully complete the School for Registers of Deeds at the NC School of Government, including passing the comprehensive exam, and numerous other short courses and seminars relevant to the workings and functions of the Register of Deeds Office.

Commissioners recognized Ms. McCall for obtaining her Certification and presented her with a Certificate of Recognition.

Commissioner Guice commended all those that received Certificates of Recognition for going above and beyond their normal job responsibilities and thanked them for what they do for Transylvania County.

APPOINTMENTS

AGRICULTURAL ADVISORY BOARD

Commissioner Guice moved to appoint Mr. Carroll Parker, seconded by Commissioner Bullock and unanimously approved.

OLD BUSINESS

UPDATE OF COURTHOUSE SECURITY

The Manager stated that at the last meeting of the Courthouse Security Committee, the group reviewed the report from the Rural Courts Commission and offered the following comments regarding each item:

1. Installation of a metal detector at a single point of entrance for the courthouse.

Response: The metal detector is on site; single point of entry is already established; should be operational by October 29, 2007. Sheriff Mahoney and Michael Eubanks are responsible for working and communicating the process with the local attorneys. Staff will also advertise the new procedures in the newspaper.

2. Consider use of internet-based legal reference service for the law library. If this can be done the law library could possibly be relocated to smaller quarters.

Response: Attorney Michael Eubanks is to discuss with local attorneys and report back at the next meeting.

Discussion: Commissioner Guice asked if the law library had to be located in the courthouse. The Manager responded that Attorney Michael Eubanks is exploring the issue. The initial research indicated that the law library did not have to be located within the courthouse but it had to be available to the public.

3. Consideration should be given to improving security at the entrance to the larger courtroom next to the Bench by assigning a bailiff to control the door, installation of a peephole or some other means.

Response: The doors in the courtroom will be reversed and a small glass opening will be provided.

4. All Bailiffs should be sworn officers and have training as bailiffs.

Response: All bailiffs are sworn officers and have training as bailiffs.

5. Plans should be made to make the large courtroom ADA compliant. This will require attention to the elevated jury box, witness stand, clerk's work station and Bench. Consideration should be given to reversing the layout of the large courtroom.

Response: The group recommends that a meeting be held with Judge Powell and Judge Cilley to discuss before any changes are made.

Discussion: Commissioner Guice commented that before any action is taken, everything needs to be taken into consideration in order to accomplish the overall goal.

Commissioner Bullock agreed that the Judges need to be consulted before changes in the courtroom take place.

6. Consideration of installing a wall across the second floor hallway to reduce traffic behind the larger courtroom. The wall should be located such that it does not interfere with access from the elevator.

Response: The committee was hesitant about putting a wall up at this point until they see if any other recommendations are carried out.

7. Consideration should be given to installing screens on windows which face the second floor windows in nearby buildings.

Response: David McNeill looking into costs of tinting windows and installing blinds.

8. Consider construction of a vehicular sally port and walkway across the roof of the present County Office Building to bring prisoners from the jail to the courthouse.

Response: The committee recommends this action if a new courthouse will not be built within the next ten years.

9. Request U.S. Marshal's Office Service to perform a security evaluation of the Courthouse and make recommendations.

Response: The U.S. Marshal's Office has been contacted but no date set as of yet.

10. Recommends that emergency courthouse evacuation plans be developed and rehearsal drill conducted.

Response: Sheriff Mahoney will follow up with written plans.

11. Recommends the adoption of local certification of interpreters to ensure acceptable qualifications.

Response: Rita Ashe to follow up with Judge Cilley.

12. Assign a bailiff to escort Clerk of Superior Court and County financial staff to the bank when deposits are made.

Response: Currently a Sheriff's deputy escorts the financial staff to the bank. The Finance Director will coordinate with the Clerk of Court on a time to be escorted to the bank.

13. Consider relocation of non-court agencies to another building to provide space for the Public Defender's Office which will require a reception area, conference room and at least one attorney.

Response: A plan has been presented to move the non-court agencies to another location; currently exploring options.

14. Recommends that the new Public Safety Facility include a courtroom which can be used for first appearances and other hearings to greatly reduce the number of prisoners who must be transported to the courthouse.

Response: The new Public Safety Facility has a small courtroom and will have the capability of first appearances via video.

15. Recommends that Transylvania County officials consider establishing a timeline for construction of new or additional courthouse facilities to include what use is to be made of the existing courthouse.

Response: This will be determined by the Board of Commissioners after reviewing all the information regarding alternatives.

16. Suggest creative docket management such as splitting daily calendars which can enable the courts to function short term with current facilities.

Response: Clerk of Court Rita Ashe to discuss with Judge Cilley and District Attorney Jeff Hunt about the possibility of having a morning and afternoon court.

17. Should the County decide the new courthouse facilities are more than five years in the future, recommends relocating the Register of Deeds and Tax Assessor/Collector offices to another building to provide adequate space and allow for sufficient space for court offices in the original courthouse.

Response: The Commissioners are evaluating all the information at this time.

Chairman Chappell thanked the Committee for commenting on the Rural Courts Commission's recommendations. He said courthouse security is the Board's first priority. Commissioner Hogsed concurred about the importance of this issue. He commented that he is in favor of creative docket management to alleviate crowds in the courthouse, but feels that it is not enough to address the overall security problems.

Commissioner Guice echoed Commissioner Hogsed's comments about creative docket management and said he does not believe it will create any additional expense to the court system. He added that many counties in the State hold special courts, such as drug court, etc., which are options that have not yet been considered for Transylvania County. Commissioner Guice remains concerned about the commingling of the offender population with the general population. Staff and offenders continue to travel the same hallways which are now more congested as a result of sealing off the front door of the Courthouse. Commissioner Guice encouraged Commissioners to move forward with addressing two key issues: moving non-judicial staff out of the Courthouse and creating a

secured sally port and hallway for inmates. He also urged Commissioners to look at setting some long term goals to address security concerns.

Commissioner Bullock stated that these measures are still temporary fixes to the security problems. He said that there are major concerns with prisoner transports and space needs for jurors, a Public Defenders' Office and parking. He urged Commissioners to make decisions regarding the long term plans for a new courthouse and use for the current Courthouse.

Commissioner Guice stated that a prior Board banned sex offenders from County parks. The current Board made decisions to seal off the front door of the Courthouse and move the offender population to Walker Park. He is concerned about the offender population being in the park and urged Commissioners to consider banning smoking on County property. Chairman Chappell concurred that Commissioners should revisit this issue. Commissioner Hogsed hopes Commissioners can address issue without banning smoking on all County property.

Chairman Chappell directed the Manager to bring back all possible solutions to these concerns at the next meeting.

NEW BUSINESS

REVIEW OF FIRE DISTRICT RESERVES

Emergency Services Director David McNeill provided a memo that outlines the Fire Department budget process, statutory requirements, and the obligations of the Commissioners with respect to those requirements. The Commissioners have the authority to set tax rates within each Fire District. Tax rates vary widely within the County. In 2003, a standardized contract was created for all the Fire Departments. The contract addressed funding mechanisms and operational goals.

The Fire Department's budget process is similar to that of the County's. The Tax Assessor looks at the assessed property in that particular district and then the Finance Office provides an estimated tax collection rate. Based on that information, the rate for the particular districts is set contingent upon the Commissioners' approval. The County guarantees the Fire Departments their approved budgets. Any monies in excess go into a special fund specifically for that Fire Department. Fire Departments can request additional funds from reserves which have to be approved by the Board of Commissioners. The reserves can also be used to meet budget requests in order to avoid tax rate increases. Mr. McNeill provided a spreadsheet, prepared by the Finance Director, indicating the amount that each Fire Department has in reserves.

Commissioner Phillips thanked Mr. McNeill for putting this information together because he wanted to learn more about the process. He said he was specifically concerned about Discovery Funds and whether or not those funds were still available. Mr. McNeill responded that Discovery Funds are a portion of the reserves. A variety of revenue sources contribute to generating the reserve funds.

Ms. Cindy Bellefeuil, President of Cedar Mountain Fire Rescue Board of Directors, addressed the Board. She said it would help the Fire Departments if they were able to receive Discovery Funds in the same year instead of waiting until the following year to include them in their budget. She added that their budgets get cut every year. Mr. McNeill clarified that none of the budgets are actually cut. Each Fire Department received more funds this year than they did last year, although not all of their requests are funded.

Commissioner Guice stated that the procedure for determining the Fire Departments' budgets was implemented in 2003 by the Board of County Commissioners. He believes the process has worked extremely well.

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 Surette, 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.

MANAGER'S REPORT

The Manager reported the following:

- The plans for the Public Safety Facility were approved by the City. Staff will be advertising for bids on Sunday, October 14 and conducting a Pre-bid meeting on October 18. The Bid opening will be on November 15 and the Bid will be awarded on December 10.
- Staff will be advertising for bids on the parking lot by the end of the week.
- Commissioners have received some information about the railroad issue. The Manager will have more information at the next meeting.
- Commissioners previously requested information about the City's annexation plan. Mark Burrows is working on this item and will have information for the Commissioners at the next meeting.
- The Maintenance of Effort (MOE) RFP's are out and will be provided to the Commissioners at the next meeting.
- The Land-of-Sky Regional Council's annual meeting is October 10, 2007. Those that plan to attend must RSVP.
- The Retiree Resource Network meeting is October 6, 2007.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS' COMMENTS

There were no comments from Commissioners.

ADJOURNMENT

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

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board