

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
October 8, 2007-REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, October 8, 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, and Daryle Hogsed. Vice-Chairman Kelvin Phillips was absent.

Staff members present were County Manager Artie Wilson, County Attorney David Neumann, County Planner Mike Thomas, Planning and Economic Development Director Mark Burrows, Board of Elections Director Judy Mathews, Finance Director Gay Poor 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 HEARING

PROPOSED ORDINANCES FOR HISTORIC LANDMARK DESIGNATION: THE LANKFORD HOUSE AND PARTRIDGE HILL

County Planner Mike Thomas introduced Pat Childress, Chair of the Joint Historic Preservation Commission (JHPC), and Betty Sherrill, Vice-Chair of the Joint Historic Preservation Commission (JHPC). They showed a Power Point presentation which included information about the JHPC and its responsibilities and accomplishments.

The current historic landmark designation candidates are Partridge Hill and the Surette-Lankford House. It was noted that the Surette-Lankford House is the third oldest house in the County. Ms. Childress and Ms. Sherrill told the history of both properties and explained the local designation implications and economics.

Chairman Chappell declared the Public Hearing open. There were no comments from the public. Chairman Chappell and Commissioner Hogsed thanked the members of

the JHPC and the homeowners for their hard work on these projects. **Chairman Chappell declared the Public Hearing closed.**

PUBLIC COMMENT

Mr. James Keenan: Mr. Keenan asked about the status of the Flood Plain Study. The Manager responded that the consultant is gathering comments from the committee members at this time. The report will then be presented to the Board of Commissioners and City Council. Mr. Keenan said he hopes Commissioners will implement the recommendations from the report.

AGENDA MODIFICATIONS

Chairman Chappell requested to add two applications for appointment to the Agricultural Advisory Board.

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

CONSENT AGENDA

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

The following items were approved:

MINUTES

Minutes from the September 24, 2007 regular meeting were approved.

FACILITIES USE REQUESTS

The use of the parking lot on South Broad for the Tailgate Market from November 3, 2007 through December 22, 2007 from 10:00 a.m. to 2:00 p.m. was approved.

PRESENTATIONS/RECOGNITIONS

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

The Manager announced that the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the Transylvania County Finance Office by the Government Finance officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Manager and the Board of Commissioners congratulated Finance Director Gay Poor and her staff for this achievement and presented Ms. Poor with the award.

BLUE RIDGE COMMUNITY COLLEGE UPDATE

Ms. Molly Parkhill, President-elect of Blue Ridge Community College, addressed the Board to give an update on the status of the college. She first introduced Mr. Chad Merrill, the new Division Director of the Transylvania Center.

The new Applied Technology Building is scheduled for completion in April 2008 with some classes being held there during the Summer Session. The Automotive Technology and Nursing Programs, both accredited programs, will begin in the Fall of 2008. Ms. Parkhill announced that the College will be applying for additional equipment funds. The application process requires a letter of support from the Board of Commissioners. The College has also applied for the Golden Leaf Grant which will help fund the business incubator. With the new programs being added to the Transylvania Center, Ms. Parkhill hopes the College will be able to apply for campus designation by 2009 which will increase funding for the Transylvania Center.

Commissioners thanked Ms. Parkhill for her presentation and expressed their happiness that she was selected as the next President of Blue Ridge Community College.

APPOINTMENTS

BOARD OF EQUALIZATION & REVIEW

Commissioner Guice moved to reappoint Mr. Charles Duke and Ms. Gay Phillips, seconded by Commissioner Bullock and unanimously approved.

Commissioner Hogsed moved to reappoint Mr. Bill Ives as Chairman, seconded by Commissioner Guice and unanimously approved.

AGRICULTURAL ADVISORY BOARD

Commissioner Guice moved to waive the term limit for Mr. Fred Kilstrom and reappoint him as Chairman, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Bullock moved to appoint Brittany Whitmire and Dale Robertson, seconded by Commissioner Guice and unanimously approved.

OLD BUSINESS

POLICY-USE OF THE TRANSYLVANIA COUNTY COURTHOUSE

The Board of Commissioners has requested that a policy be developed regarding the use of the Transylvania County Courthouse given the emphasis on security. The draft policy reads as follows and has been endorsed by the Ad hoc Courthouse Security Committee:

With the growing need for security at court facilities throughout the nation, the Transylvania County Board of Commissioners is updating the current policy for use of the Courthouse by outside groups or agencies.

The new policy will prohibit the use of the Courthouse for any purposes other than court related business and use by the Board of County Commissioners. Under this new policy, the Sheriff will provide a deputy to man the metal detector at the single point of entry of the Courthouse during normal business hours and during Board of Commissioners' meetings.

Commissioner Guice expressed concern that the Board of Commissioners will still be allowed to use the Courthouse and citizens will not. He believes that the security of the facility is compromised when it is open after hours. Commissioner Guice suggested that staff present a new draft policy at the next meeting. He also asked that staff name alternate meeting locations for the public and the Commissioners.

Commissioner Bullock concurred with Commissioner Guice's concerns. He expressed the importance of ensuring the facility is secure and urged Commissioners to discuss alternate locations for holding Board of Commissioners' meetings.

Commissioner Hogsed said he is concerned that taxpayers will no longer be allowed to use the taxpayer funded facility but also understands the need for securing the building. He would prefer a policy that would allow the use of the facility by the public under certain conditions, such as providing security.

Chairman Chappell noted that at a recent meeting he attended, citizens asked if they could still use the facility if they provided security. He believes it is an option the Commissioners should consider.

Commissioner Bullock noted that the Rural Courts Commission reported that our courthouse security was inadequate and recommended that the facility be closed after hours. Chairman Chappell asked Commissioners to send any suggestions to the Manager.

Commissioner Guice stated that the Sheriff is prepared to implement additional policies to ensure the facility is secure; however it may be a strain on his staff.

Commissioner Hogsed moved to table the consideration of this policy, seconded by Commissioner Guice and unanimously approved.

NEW BUSINESS

REQUEST TO ESTABLISH FLU VACCINE FEES FOR 2007-08 SEASONS

The Manager reported that Health Director Steve Smith recommends maintaining the same fee for flu vaccinations at \$25.00. The first vaccination clinic is scheduled for October 14, 2007. Mr. Smith also requests to provide as many as 150 doses to indigent

individuals primarily through Transylvania County Volunteers in Medicine which supports the County's public health mission.

Commissioner Bullock moved to approve the Health Department's recommendation of \$25, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Guice moved to provide vaccines to indigent individuals, seconded by Commissioner Hogsed and unanimously approved.

REFUNDING OF SCHOOL BONDS

The Manager stated that Staff has been looking at the possibility of refunding the 1998 and 1999 General Obligation Bonds. Based on recent interest rates it appears that the County could reissue the 1999 bonds and save approximately \$249,000 Net Present Value over the remaining life of the bonds. If approved, BB&T will act as the County's financial advisor on the refunding and Robinson, Bradshaw & Hinson, P.A. will be the County's bond counsel. The Manager estimates the cost of the issuance of the bonds to be \$80,000 which is included in the net savings. In order to proceed, the Board of Commissioners must grant approval to make application to the Local Government Commission for refunding and enter into an agreement with BB&T to act as the County's financial advisor. The Manager noted that there would be no charge from the financial advisor, bond counsel or the Local Government Commission unless the bonds were refunded or other out-of-pocket expenses are incurred. The County would then proceed after the audit information is presented to the Board of Commissioners.

Commissioner Guice moved to authorize staff to proceed with an application to the Local Government Commission and enter into a contract with BB&T and Robinson, Bradshaw & Hinson, P.A., seconded by Commissioner Hogsed and unanimously approved.

WESTERN HIGHLANDS NETWORK FISCAL MONITORING REPORT

Finance Director Gay Poor highlighted the report for the quarter ending June 30, 2007. She reported that the revenues were over budget by \$3,000. Medicaid payments were \$3 million higher than budgeted; however service delivery funds were \$3 million less than budgeted. Overall their cash increased by \$7.6 million.

The Manager noted that the County continues to struggle with not having enough providers. The LME is looking for ways to provide additional services in the eight-county region, such as crisis management services.

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

(Report attached as part of the Minutes.)

CITY OF BREVARD'S ANNEXATION INFORMATION

At a previous meeting the Board of Commissioners requested to discuss the City of Brevard's annexation plan. Planning and Economic Development Director Mark Burrows reported on the information he received from City Planner Josh Freeman. Mr. Burrows stated that there are two distinct issues: the issue of annexation (extension of the incorporated area) and the issue of the extension of the Extra Territorial Jurisdiction (ETJ).

The City's Planning Office provided him with a number of maps showing the different areas that City staff is studying. North Carolina General Statute allows for the extension of incorporated areas if specific requirements are met. A city may decide to annex additional property for different reasons, but they must determine the benefit versus the cost, the benefit being greater tax revenue and the cost being providing services.

Commissioner Guice asked how long the City had to provide the services to the citizens after annexation. Mr. Burrows replied that emergency protection, fire and rescue would be provided almost immediately, while water and sewer services could take up to 24 months. Mr. Burrows noted the areas of incorporation that the City is considering and stressed that City staff is only studying these areas.

Mr. Burrows stated that the County can impact the extension of the ETJ. The City can legally extend its ETJ up to one mile without County approval, unless the County enforces three things: NC Building Code, a Subdivision Ordinance, and some form of zoning in that area. He noted that these three things have no bearing on the actual annexation.

Commissioner Guice is concerned that citizens living within the ETJ have no representation. Those citizens must abide by the City's rules yet they can not vote for City officials and they have no say so in the rules they make. Commissioner Guice believes it is time that the Board of Commissioners assists those citizens. The County clearly enforces building codes and subdivision regulations but there is no zoning in the County. Commissioner Guice suggested the possibility of zoning a section around the current ETJ which would give those citizens some protection. Mr. Burrows added that zoning requires a minimum of 640 contiguous acres comprised of no less than ten separate parcels.

Commissioner Guice asked what would be the proper process for the Board of Commissioners if they wanted to study this issue. The Manager responded that the proper process would be for the Commissioners to ask the Planning Board to study the options and determine how the County can meet the third requirement of zoning and then to bring recommendations back to the Commissioners. The Commissioners would then hold a Public Hearing and proceed to vote on the issue. Mr. Burrows noted that City Planner Josh Freeman will be attending the next Planning Board meeting to make a presentation and City Council will be discussing annexation at their November meeting. Commissioner Guice said he thinks it is appropriate to ask the Planning Board to review

this matter and ask them to provide Commissioners with current information to help Commissioners in making a decision, if necessary.

Commissioner Bullock stated that the information received from the Planning Board should provide options to the Commissioners and those that may be affected by the ETJ. Commissioner Hogsed agrees that it is the responsible step to ask the Planning Board to study this issue. He stressed the importance of working with the City and added that he does not understand how the ETJ can be constitutional. Commissioner Guice commented that the Board of Commissioners represents every citizen including those inside the City limits so it is important to educate the public on this issue.

Chairman Chappell believes the ETJ is unfair and stated that the County has a statutory and moral responsibility to represent every citizen in Transylvania County. He also agreed that it is appropriate to allow the Planning Board to study this issue. Chairman Chappell commented that he does not like zoning but he believes that all citizens should have representation.

Commissioner Guice moved to ask the Planning Board to review this matter and provide some additional information with specific recommendations concerning moving forward with what has been discussed this evening, seconded by Commissioner Bullock and unanimously approved.

Mr. Burrows said the Planning Board could have information back to the Commissioners by December or January.

MANAGER'S REPORT

The Manager reported on the following:

- Work continues on finding solutions to address space needs. He recently met with Rich Worley to discuss alternatives and hopes to present options to the Commissioners in November.
- Staff reviewed draft layout of the animal shelter. Revisions are being made and will be presented to the Commissioners in a couple of months, to include the proposed layout and the estimated costs.
- Commissioners directed Staff during the Budget Session to take a look at healthcare costs for the County. Staff is currently studying alternatives and will have information for the Commissioners in January.
- A meeting is scheduled for Tuesday to meet with representatives from the City of Brevard and the Town of Rosman to discuss utilities.
- The Manager and Chairman Chappell are meeting Friday with Henderson County officials to discuss common issues such as mental health, etc.
- The results of the rent survey increased the Fair Market Rent values significantly which is very positive for our citizens.
- Bids for parking lot are due Friday, October, 12, 2007. The information will be presented to the Commissioners at the next meeting.
- Staff will be advertising for Public Safety Facility on Sunday. Bids will be due in mid-November.

- The Manager and Chairman Chappell attended a meeting in February to discuss preserving Connestee Falls. The Manager attended a meeting last week in Henderson County. The project continues to move forward. The Manager hopes to meet with the Land Conservancy to discuss options. The County could potentially become the owner of the property. The Manager hopes to have a first draft of the State grant application for PARTF funds (\$500,000) by November. The grant requires a match which could be the subsidization of the land itself.
- Staff continues to work on the smoking issues. The Manager noted that at this time the County can prohibit smoking in County buildings but not on County grounds, with two exceptions. The County can ban smoking within 50 fifty feet of the Health Department and Social Services Building. Staff recently met to discuss smoking and vending machines and what policies could be put in place. The Manager will bring those recommendations to the Commissioners at a future meeting.
- Arthur Carder, Executive Director of the LME, will attend the October 22 meeting to provide an update on mental health

PUBLIC COMMENTS

Mr. Mike Hawkins: Mr. Hawkins asked about the progress of the recreation study. City Manager Joe Albright responded that the surveys have been sent out, completed and compiled. The consultant is putting together a draft document. The consultant will meet with the project oversight group to review the draft within the next 30 days.

Schenck Job Corps: Mr. Gagney, Center Director of Schenck Job Corps, introduced two of his students. Chris Clark, the Student Body President, thanked the Commissioners. He said the meeting was very educational. The Student Council has been struggling with Robert's Rules of Order so the meeting was very helpful in learning the process. Scott Martin, Sergeant of Arms, also thanked the Commissioners for the educational experience and said he hopes the Council will continue to grow as an association of learning.

COMMISSIONERS' COMMENTS

Commissioner Hogsed recommended that the County initiate a process of cooperation with Buncombe and Henderson Counties regarding economic development. He encourages and supports regional efforts.

Commissioner Hogsed said he hopes the City understands that the recommendation to ask the Planning Board to study the issue of the ETJ is try to help the Commissioners understand the process.

Commissioner Hogsed recognized the owners of Partridge Hill. He thanked them for preserving this part of Transylvania County. He thanked the JHPC for their hard work.

Commissioner Guice asked Commissioners to revisit the courthouse security issue. He urged the Commissioners to make decisions about moving non-judicial offices out of the Courthouse and to consider the issues of space needs, secured hallways, and the need for an additional courtroom.

Commissioner Guice asked the Manager if the issues with the pipe have been resolved with the City. The Manager responded that the City's recommendation is for County to purchase the materials and for the City to install the pipes. The City's interpretation of the UDO is the County is responsible and so the Manager has asked the attorney to look into the issue. He noted that the cost of the materials is approximately \$5,500.

Chairman Chappell noted that *Times News* Reporter Jon Rich will no longer be covering Transylvania County. He has accepted a position with an art museum in Asheville. He wished him the very best.

Chairman Chappell wished his cousin in Bolivia a Happy Birthday. His family is missionaries in Bolivia.

ADJOURNMENT

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

Jason R. Chappell, Chairman
Board of Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board