

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**January 28, 2008- REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, January 28, 2008 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, County Attorney Jeanne Hall, Finance Director Gay Poor, Tax Administrator David Reid, Tom Wehrle, Traci Fisher, Elections Director Judy Mathews, Mary McCall, Veterans Services Officer Frank Pearsall, Health Director Steve Smith, Planning and Economic Development Director Mark Burrows, Bailiff Supervisor Jimmy Jones, Project Manager Larry Reece, Emergency Services Coordinator David McNeill, Register of Deeds Cindy Ownbey, Beth Sales, D'Ree McCall, Teresa Morton, Karin Smith, Library Director Anna Yount, Social Services Director Carson Griffin, Recreation Director Rick Pangle, Transportation Director Keith McCoy and Clerk to the Board Trisha McLeod.

Media: *Times News*: Leigh Kelley  
*Transylvania Times*: Mark Todd

There were approximately 70 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 CHANGES TO SUBDIVISION REGULATIONS**

Mr. Jimmy Perkins, Chairman of the Planning Board, presented a summary of the proposed changes to the Subdivision Ordinance. There are several administrative changes that apply mostly to language and verbiage clarification. The significant proposed changes to the Subdivision Ordinance are as follows:

- Added a requirement that access roads for previously platted rights-of-way shall meet the minimum road standards
- Changed the length requirement for a "T" turnaround from 25 feet to 35 feet
- Added a requirement to provide fire hydrants if a public water system is available

- Added a requirement to provide dry fire hydrants if no public water system is available
- Reductions in the road right-of-way width may be permitted in unified residential developments to no less than 30 feet upon approval by the Planning Board

Mr. Perkins noted that the proposed changes have the unanimous support of the Planning Board.

**Chairman Chappell declared the Public Hearing open.**

Ms. Joan Sandow: Ms. Sandow questioned the road width requirements for small subdivisions versus medium and large size subdivisions. She believes that the road width requirements for smaller subdivisions should not be the same as the requirements for larger subdivisions. Ms. Sandow also asked for clarification on Section 23 of the ordinance and how it affects the proposed changes. Section 23 reads:

**Abrogation** – It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

Mr. Perkins responded that the road width requirements were developed in an effort to be friendly to the environment and developers, as well as to provide safe access for construction and emergency vehicles. Road width requirements for subdivisions with fewer than three lots were reduced to 12 feet. County Planner Mike Thomas added that a 12-foot wide road is essentially a one-way road, which would be allowed in the ordinance because of the limited amount of traffic in the small subdivision. Medium size subdivisions require a minimum 16-foot road width, reduced from an 18-foot minimum requirement, which still allows for two-way traffic. Mr. Thomas also clarified that Section 23 states provisions in the proposed ordinance will not be made retroactive to existing easements, agreements, etc.

Ms. Sandow interpreted Section 23 to mean that any existing easements or rights-of-way could be overridden by the amended ordinance. County Attorney Jeanne Hall explained that the Abrogation statement is standard language used in ordinances and other documents. If the ordinance is adopted, any existing agreements would be grandfathered in and any new subdivisions would have to comply with the amended ordinance.

Ms. Sandow further asked if the County would require property owners to give rights-of-way to developers. Mr. Perkins responded that the onus is on the developer to acquire the right-of-way. Commissioners Bullock and Hogsed clarified that the County will not force a property owner to grant a right-of-way to a developer and there is nothing written in the ordinance to that effect.

Ms. Sandow asked how the regulations are affected by the flood plain. Mr. Thomas stated that there is no additional impact and the same requirements occur for building in the flood plain.

Mr. Pete Peters: Mr. Peters stated that according to state and federal standards, the minimum road width requirement is 18 feet. He noted that there are bridges in the County that are 16 feet wide and are clearly marked as one-way bridges. He believes that 16 feet is not an adequate width for two-way traffic. He urged Commissioners and the Planning Board to reconsider this requirement.

Mr. Perkins responded that the Planning Board considered ways to ensure safety, the impact on the environment, and the needs of the developers throughout their review of the ordinance. He added that the topography of some of the areas within the County presents some difficult challenges.

Planning and Economic Development Director Mark Burrows noted that some of the comments made during the Public Hearing were not directly related to the changes being presented by the Planning Board. He said his Staff would gladly meet with individuals to address their questions or concerns. Mr. Burrows explained that the Planning Board has been reviewing the Subdivision Ordinance since September 2007. The Planning Board may want to review the ordinance as it relates to the comments made during the Public Hearing.

Ms. Joan Sandow: Ms. Sandow asked the Board of consider incorporating buffers between existing and new communities for land conservation purposes.

Chairman Chappell asked that comments from the Public Hearing be forwarded to the Planning Board.

There being no further comments from the public, **Chairman Chappell declared the Public Hearing closed.** This item will be added to the February 11, 2008 agenda for the approval by the Board of Commissioners.

### **PUBLIC COMMENTS**

Ms. Cindy Bellefeuil: Ms. Bellefeuil stated that Cedar Mountain Fire Rescue would like to apply for grant funding that requires a 30% match from the County. The application is due March 1, 2008.

The Manager responded that he will work with Emergency Services Coordinator David McNeill regarding this matter.

Mr. Pete Peters: Mr. Peters stated that with the upcoming renovations the County has an opportunity to be come compliant with the law. He urged Commissioners to make the changes necessary to become compliant.

Mr. Jimmy Perkins: Mr. Perkins said he is concerned about the proposed renovations to the Courthouse and the impact the changes will have on the neighborhood and surrounding businesses. He said the Courthouse is a jewel to the community and should remain open to the public. Mr. Perkins urged the Commissioners to reconsider their plans for the Courthouse.

Mr. Gayle Ramsey: Mr. Ramsey presented a petition of 253 names of citizens opposing the proposed renovations to the Courthouse. He urged the Commissioners to delay leasing space for other County offices and discuss this issue further with those that will be impacted by this decision. He believes there are other alternatives, such as splitting the Clerk of Court's office or purchasing additional property.

The Manager noted that Mr. Charles Pickelsimer has made it clear to the County that his property is not for sale. He emphasized that Commissioners and Staff have studied and addressed these issues over a long period of time. Commissioner Guice added that employees that work in the Courthouse, as well as the Clerk of Court, District Attorney and Clerk of Court, support the Commissioners' decision. He further noted that the Rural Courts Commission and the Clerk of Court are opposed to splitting the Clerk of Court's office. Commissioner Hogsed stated that only one person who signed the petition came to him to discuss the County's plans for the Courthouse. He encouraged others to do so.

Mrs. Jinks Ramsey: Mrs. Ramsey said that the Courthouse belongs to the County and means more to the citizens than Commissioners may believe. She said most people are not aware of the County's plans and she believes these changes will alter the identity of the Courthouse. Mrs. Ramsey encouraged the Commissioners to reconsider.

Mr. Alfred Platt: Mr. Platt encouraged the Commissioners to include more people in their discussions about their plans. He asked Commissioners to consider parking problems, the impact to downtown, etc. when making their decision.

Mr. Jack Hudson: Mr. Hudson urged the Commissioners not to move forward with renovations to the Courthouse. He believes the County should build a new court facility at the Public Safety Facility site.

Mr. Jon Wesley: Mr. Wesley spoke in reference to the Planning Board appointments and assignment of Chairman to the Planning Board that is on the Agenda. He encouraged Commissioners to appoint a Chairman that will put personal issues aside and be an effective leader.

### **AGENDA MODIFICATIONS**

Commissioner Hogsed requested to add an item to discuss a situation that occurred at a recent Planning Board meeting and to have the discussion before making appointments to the Planning Board. Chairman Chappell requested to remove Item VIII-A Pay Classification and Compensation Study.

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

### **CONSENT AGENDA**

**Commissioner Phillips moved to approve the Consent Agenda as submitted, seconded by Commissioner Bullock and unanimously approved.**

The following items were approved:

#### MINUTES

The Minutes of the January 14, 2008 regular meeting were approved.

#### FACILITIES USE REQUESTS

The use of Silvermont by the AAUW for their annual book sale celebration on July 8, 2008 from 4:30 p.m. to 8:30 p.m. was approved. The Board also approved their request to waive the fees.

#### DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for accounting periods November 1, 2007 through November 30, 2007 and December 1, 2007 through December 31, 2007 were approved.

### **APPOINTMENTS**

#### BREVARD PLANNING AND ZONING BOARD

**Commissioner Guice moved to appoint Richard Kimsey Jackson, seconded by Commissioner Bullock and unanimously approved.**

#### PLANNING BOARD

##### **Discussion of Planning Board meeting incident:**

Commissioner Hogsed stated that he, along with the other Commissioners, received an email from Planning and Economic Development Director Mark Burrows via the County Manager that described an incident at a recent Planning Board meeting. Mr. Burrows had reported that Mr. Terry Crowe exited the Planning Board meeting while a motion was on the floor, but before a second was made; therefore not voting on the motion and leaving less than a quorum remaining. The primary agenda item was to discuss and vote on zoning recommendations as requested by the Board of Commissioners. Mr. Crowe was asked to return to the meeting, which he did not. Mr. Burrows reported in his email that the remaining Planning Board members were asked to contact the other members to call a special meeting for the following week.

Commissioner Hogsed commented that he was surprised at the situation and believed the proper thing to do would have been for Mr. Crowe to simply vote against the motion. Commissioner Hogsed further stated that the Board of Commissioners does not condone such action. Commissioner Guice concurred with Commissioner Hogsed's statements

and added that board and committee appointees should understand the level of expectation placed upon them by Commissioners.

Mr. Crowe addressed the Board. He explained that he already had previously scheduled plans with his family and had informed the Planning Board members prior to the meeting that he could not stay for personal reasons. Mr. Crowe noted that the motion was never seconded. Mr. Jimmy Perkins, Chairman of the Planning Board, verified that the motion was not seconded. Mr. Perkins further stated that he wants to give Commissioners a timely answer to their directive regarding zoning in the County.

Commissioner Guice noted that a special meeting had been scheduled and so it is important to move forward.

**Planning Board appointments:**

**Commissioner Phillips nominated and moved to appoint Jackie Whitmire to fill the term soon to be vacated by Jimmy Perkins, seconded by Commissioner Bullock.**

**Commissioner Hogsed nominated and moved to appoint Rick Lasater to fill the term soon to be vacated by Jimmy Perkins, seconded by Commissioner Guice.**

**Jackie Whitmire was appointed to the Planning Board by a 3 to 2 vote, with Commissioners Guice and Hogsed voting no. The motion to appoint Rick Lasater failed by a 3 to 2 vote, with Chairman Chappell and Commissioners Bullock and Phillips voting no.**

**Commissioner Bullock nominated and moved to appoint Joey Galloway to fill the term soon to be vacated by Parker Platt, seconded by Commissioner Phillips.**

**Commissioner Hogsed nominated and moved to appoint Jeff Duvall to fill the term soon to be vacated by Parker Platt, seconded by Commissioner Guice.**

**Joey Galloway was appointed to the Planning Board by a 4 to 1 vote, with Commissioner Hogsed voting no. The motion to appoint Jeff Duvall failed by a 4 to 1 vote, with Chairman Chappell, Commissioners Bullock, Guice, and Phillips voting no.**

**Commissioner Hogsed nominated and moved to appoint John Dorner as Chairman, seconded by Commissioner Guice.**

**Commissioner Phillips nominated and moved to appoint Mason Sexton as Chairman, seconded by Chairman Chappell.**

**The motion to appoint John Dorner failed 3 to 2, with Chairman Chappell and Commissioners Bullock and Phillips voting no. The motion to appoint Mason**

**Sexton as Chairman passed 3 to 2, with Commissioners Guice and Hogsed voting no.**

RECREATION ADVISORY BOARD

**Commissioner Phillips nominated and moved to reappoint Michael Hosey, Bill Sack and Mike Whitney, seconded by Commissioner Guice and unanimously approved.**

**Chairman Chappell nominated and moved to reappoint Sandy Hosey and waive her term limits, seconded by Commissioner Phillips and unanimously approved.**

**Chairman Chappell nominated and moved to appoint Sara Champion, seconded by Commissioner Bullock and unanimously approved.**

**Commissioner Guice nominated and moved to reappoint Sandy Hosey as Chairman, seconded by Commissioner Bullock and unanimously approved.**

PARKS COMMISSION

**Commissioner Guice nominated and moved to reappoint Edward Marchini, seconded by Commissioner Bullock and unanimously approved.**

**OLD BUSINESS**

FY 2008-09 SECTION 5311 TRANSPORTATION GRANT APPLICATION

The Manager stated that each year the County must submit a grant application to the North Carolina Department of Transportation for funding for the Community Transportation Program. The total amount for the 2009 Community Transportation Program is \$267,763, which includes a local match of \$35,486. The Public Hearing was held on January 14, 2008. There were no comments from the public during the Public Hearing.

**Commissioner Guice moved to approve the grant application, seconded by Commissioner Phillips and unanimously approved.**

**Commissioner Guice moved to approve Resolution 03-08, Community Transportation Program Resolution, seconded by Commissioner Phillips and unanimously approved.**

(Resolution 03-08, Community Transportation Program Resolution, attached as part of these Minutes.)

GRANT APPLICATION FOR THE PRESERVATION OF CONNESTEE FALLS

In December 2007, the Board of Commissioners held a Public Hearing on the preservation of Conneestee Falls. At the January 14, 2008 meeting, representatives from the Carolina Mountain Land Conservancy gave Commissioners an update on the project and indicated changes in the original design. The proposed changes will make the park fully ADA accessible.

The Carolina Mountain Land Conservancy has written the grant applications to obtain funding for the purchase of Connestee Falls and for the construction of the park. County Staff has also worked with the Connestee Falls Property Owners Association to develop a Memorandum of Understanding regarding its help with maintaining the park. If the grant applications are unsuccessful, the County will not be obligated to proceed with the project. The Manager noted that the total amount of grant funds requested is \$949,890.

Commissioner Phillips stated that citizens would like to have access to the lower falls as included in the original design. The Manager responded that the grant applications are due January 31, 2008 and February 1, 2008 respectively in order to receive funding for this grant cycle. He also stated that the Connestee Falls Property Owners Association has expressed concerns about maintaining that section of the park. The park design as it is now is fully ADA accessible and makes the grant application more favorable.

Mr. Kieran Roe with the Carolina Mountain Land Conservancy echoed the Manager's comments. He noted that the new design was recommended by a professional trail builder. Constructing the access to the lower falls significantly increases the cost of the project and risk. Mr. Roe suggested that Commissioners approve the grant applications and then apply for future grant funding if they still wish to construct the stairs down to the lower falls. Recreation Director Rick Pangle added that the ADA accessibility is the driving factor for the grant application.

After further comments, Commissioners agreed that it was important to act now to acquire the necessary funding for the project and then they could explore possible expansion options in the future.

**Commissioner Guice made a motion to approve the grant application to the NC Clean Water Management Trust Fund and the NC Parks and Recreation Trust Fund, to approve the Connestee Falls Park Master Plan, to approve Resolution 05-08 Authorizing Application for Grant Funding from the NC Clean Water Management Trust Fund and the NC Parks and Recreation Trust Fund, to authorize the Manager to sign and send appropriate letters to the NC Clean Water Management Trust Fund Executive Director as outlined in the application process, and to authorize the County Manager to negotiate a Memorandum of Understanding between the County and the Connestee Falls Property Owners Association for maintaining the site at Connestee Falls, seconded by Chairman Chappell. The motion passed 4 to 1, with Commissioner Bullock voting no.**

**Commissioner Guice moved for a 10 minute recess, seconded by Commissioner Phillips and unanimously carried.**



## NEW BUSINESS

### MARKET ADJUSTMENT

Human Resources Director Sheila Cozart presented her recommendations for a market adjustment for all County employees. Based on her research, she recommends a 3% market adjustment.

**Commissioner Phillips moved to approve a 3% Market Adjustment for all County Employees effective the first full payroll on February, seconded by Commissioner Bullock and unanimously approved.**

### RECOMMENDATION FOR MAINTENANCE OF EFFORT FUNDS

The Manager stated that a subcommittee of the Mental Health Advisory Committee met and reviewed all the applications for the County's Maintenance of Effort Funds (MOE). The County has a total of \$151,626 in MOE funds available with the LME. The two programs that are recommended for FY 2008 are:

1. Appalachian Counseling to expand Crisis Services- \$80,000
2. Families Together, Inc. to help fund Comprehensive Assessments and Mobile Crisis- \$71,626

There were two other proposals received but they did not meet recently implemented legislative requirements. The two other proposals were:

1. Transylvania County Hospital for patient supervision- \$30,000
2. Western Highlands Counseling Services, LLC for crisis intervention- \$51,000

Health Director Steve Smith stated that he supports the recommendations and that the proposals reflect the needs of the community.

**Commissioner Guice moved to approve the distribution of MOE Funds to Appalachian Counseling for \$80,000 and Families Together, Inc. for \$71,626, pending contracts with the LME with measurable outcomes for both providers, seconded by Commissioner Bullock and unanimously approved.**

### REFUNDING OF SCHOOL BONDS

In order to move forward with the refunding of school bonds, the Board of Commissioners must approve a Preliminary Resolution Relating to the Authorization of Refunding of Bonds of the County of Transylvania, North Carolina, read the Order Authorizing \$17,500,000 Refunding Bonds, receive sworn statement of debt by the Finance Director, approve the Order and direct the Clerk to the Board to publish the Order, with the appended statement as required by the Local Government Bond Act, as amended once in the Transylvania Times. The Manager reported that the estimated savings resulting from the refunding of the school bonds is approximately \$600,000 NPV over an eleven year period. The Minutes must read as follows:

A regular meeting of the Board of Commissioners for the County of Transylvania, North Carolina, was held in the Large Courtroom of the County Courthouse at 12 East

Main Street, in Brevard, North Carolina, the regular place of meeting, at 7:00 p.m., on January 28, 2008.

Present: Chairman Jason Robert Chappell, presiding, and Commissioners Lynn Bullock, David Guice, Daryle Hogsted and Kelvin Phillips.

Also present: Gay Poor, Finance Director, and Trisha McLeod, Clerk to the Board of Commissioners.

Chairman Chappell introduced the following resolution, a copy of which had been made available to each Commissioners and which was read by its title:

**RESOLUTION RELATING TO THE AUTHORIZATION OF REFUNDING BONDS  
OF THE COUNTY OF TRANSYLVANIA, NORTH CAROLINA**

WHEREAS, the Board of Commissioners for the County of Transylvania, North Carolina (the "County"), is considering authorizing the issuance of Refunding Bonds of the County in an aggregate principal amount not exceeding \$17,500,000 for the purpose of providing funds, with other available funds, for refunding all or a portion of the outstanding School Bonds, Series 1998 of the County, dated February 1, 1998, and all or a portion of the outstanding School Bonds, Series 1999 of the County, dated November 1, 1999, including paying expenses related thereto, and it is necessary to take certain related action at this time;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County, as follows:

Section 1. Said Board hereby finds and determines in connection with authorizing the issuance of such bonds that (i) the issuance of such bonds is necessary or expedient in order to realize debt service savings for the County, (ii) the principal amount of such bonds is adequate and not excessive for the proposed purpose of such bonds because it is based on the best estimate of the County of the funds needed for such purpose and takes into account other funds of the County available for such purpose, (iii) the County's debt management procedures and policies are good and managed in strict compliance with law, (iv) the increase in taxes, if any, necessary to service such bonds will not be excessive because it is expected that debt service savings will be realized in connection with the issuance of such bonds and (v) such bonds can be marketed at reasonable rates of interest.

Section 2. The County Manager, the Finance Director and the County Attorney of the County are each hereby authorized to take such actions as may be advisable in connection with authorizing the issuance of such bonds; and all actions heretofore taken by any such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 3. In connection with the authorization and issuance of such bonds, the law firm of Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina, is hereby confirmed as bond counsel of the County, BB&T Capital Markets is hereby approved as

financial advisor of the County and Barthe & Wahrman, P.A. is hereby approved as verification agent.

Section 4. This resolution shall take effect immediately upon its passage.

**Upon motion of Commissioner David Guice, seconded by Commissioner Kelvin Phillips, the foregoing resolution was passed by the following vote:**

**Ayes: Commissioners Lynn Bullock, Jason Chappell, David Guice, Daryle Hogsed and Kelvin Phillips.**

**Noes: None**

Thereupon Chairman Chappell introduced the following order authorizing bonds which was read:

**ORDER AUTHORIZING \$17,500,000 REFUNDING BONDS**

BE IT ORDERED by the Board of Commissioners for the County of Transylvania:

1. That, pursuant to The Local Government Bond Act, as amended, the County of Transylvania, North Carolina, is hereby authorized to issue Refunding Bonds in an aggregate principal amount not exceeding \$17,500,000 for the purpose of providing funds, with other available funds, for refunding all or a portion of the outstanding School Bonds, Series 1998 of the County dated February 1, 1998, and all or a portion of the outstanding School Bonds, Series 1999 of the County, dated November 1, 1999, including paying expenses related thereto.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.
4. That this order shall take effect upon its adoption.

The Board of Commissioners thereupon designated the Finance Director as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the bond order has been adopted.

Thereupon the Finance Director filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

**Thereupon, upon motion of Chairman Chappell, seconded by Commissioner Bullock, the order heretofore introduced and entitled: "ORDER AUTHORIZING \$17,500,000 REFUNDING BONDS" was read a second time by title and placed upon its adoption. The vote upon adoption of said order was:**

**Ayes: Commissioners Bullock, Chappell, Guice, Hogsed and Phillips**

**Noes: None**

The Chairman then announced that the order entitled "ORDER AUTHORIZING \$17,500,000 REFUNDING BONDS" had been adopted.

The Clerk to the Board of Commissioners was thereupon directed to publish said order, together with the appended statement as required by the Local Government Bond Act, as amended, once in The Transylvania Times.

**LEASE SPACE FOR THE REGISTER OF DEEDS, TAX ASSESSOR/COLLECTOR & ADMINISTRATION**

At a previous meeting, Commissioners directed Staff to move forward with exploring possible locations for relocating County Administration, the Register of Deeds, and Tax Offices. The Manager met with several staff members to consider several locations, with the goal being to remain close to the Courthouse and the Information Technology Department. Staff recommends temporarily relocating these offices to a location on Caldwell Street, formerly occupied by Brevard Travel, State Employees' Credit Union, and others. The lease agreement would be as follows:

Administration including utilities	12 months	\$1600/month	1423 sq. ft.	\$13.49/sq. ft.
Finance including utilities	12 months	\$800/month	712 sq. ft.	\$13.48/sq. ft.
Tax Offices including utilities	18 months	\$2,300/month	2,134 sq. ft.	\$12.93/sq. ft.
Register of Deeds including utilities	18 months	\$2,300/month	2,100 sq. ft.	\$13.14/sq. ft.

**Summary:**

Admin and Finance	12 months	\$28,800
Register of Deeds & Tax Offices	18 months	\$82,800

The Manager noted that the leases can be extended past the above indicated length of time on a month-to-month basis. Staff has planned a move date for March 2008. The Manager asked the Commissioners for authorization to enter into a lease with Plaza Investments for the amounts indicated with \$23,169 to come from Contingency and \$4,831 to come from the Fund Balance. The cost for the remainder of the year is

\$28,000. Chairman Chappell asked the Commissioners to move forward with relocating these offices.

**Chairman Chappell moved to authorize the County Manager to enter into a lease with Plaza Investments for the amounts indicated with \$23,169 to come from Contingency and \$4,831 to come from the Fund Balance, seconded by Commissioner Guice.**

Commissioners Phillips expressed his concern about being bound to a lease agreement. He would like Commissioners to reconsider because he believes there are better options available and that it is important to look at the long term best interests of the County. Commissioner Hogsed would like Staff to explore the feasibility of building a new court facility at the Public Safety Facility site. He noted that many citizens are opposed to the County's current plans so he feels that Commissioners need to explore all the options. Commissioner Guice stated that Commissioners have been discussing this issue for a year and had been studied closely. He believes many citizens have been misinformed about the County's plans. He asked Commissioners to set a timetable and give direction to Staff.

After further discussion, **Chairman Chappell withdrew his motion.**

Commissioner Bullock believes just moving the criminal element away from downtown will help local businesses and address parking issues as well.

Bailiff Jimmy Jones stated that the biggest problem he faces is the management of the prisoners. The jail transports 15 to 20 inmates per week, not including the ones housed in Henderson County. Being the supervisor of security at the Courthouse, he believes it would be best to move the court facilities to the Morris Road site for security purposes.

Commissioner Guice noted that the Sheriff, the District Attorney, and others are supportive of the Commissioners' plans. He also noted that the City of Brevard owns Morris Road and there have been no discussions about the added traffic, etc. He said he is willing to look at further options but Commissioners need to give direction to Staff.

Commissioner Hogsed would like Staff to explore building a facility at the Morris Road site for the same cost as the cost of renovations. Commissioner Guice added that Commissioners should explore all options and not limit the scope to Morris Road.

Chairman Chappell said he hopes the Commissioners will get the information they are looking for but he does not believe it is realistic.

The Manager suggested that the Courthouse Security Committee meet to discuss the long term needs of Staff, including rough numbers for square footage, etc. Commissioner Guice added that Commissioners can not decide to build a new facility based on what they want, but rather design a facility according to the employees' needs.

The Manager stated that this would be a difficult task to complete in a short period of time. He asked if Commissioners were still instructing Staff to move forward with the other projects. Commissioners agreed that Staff should continue to move forward with the other projects up until they are ready to go out for bids.

PROCEDURE FOR NOMINATING A TRANSYLVANIA COUNTY REPRESENTATIVE TO THE WESTERN HIGHLANDS AREA AUTHORITY BOARD (LME)

The Division of Mental Health requires that the LME's Business Plan contain information on how each county nominates a person to the LME Board. Currently each county has two representatives: the county manager and a citizen that represents one of the areas identified in the statutes. In order to comply with this mandate, the Manager offered the following procedure for nominating citizens to represent Transylvania County:

According to the By Laws of the Western Highlands Area Authority each county shall have two representatives on the Board as appointed by the Board of County Commissioners in each county. Per NCGS 122C-118.1 the Board of County Commissioners within the multi-county area shall have the option of appointing members of the area board in a manner other than as required by NCGS 122C-118.1 (a) by passing a resolution to that effect which Transylvania County has done (Resolution 22-03). The Resolution allows one representative to be the County Manager, Assistant County Manager or County Commissioner to represent the County. The other member will be a citizen that meets the criteria identified in NCGS 122C-118.1.

Prior to a vacancy occurring for the Area Authority Board, the Clerk to the Board of County Commissioners will contact the Area Authority and see what categories an appointment will need to represent as defined in NCGS 122C-118.1. The Clerk to the Board of County Commissioners will then advertise for applications that meet these qualifications and the Bylaws of the Area Authority in the local newspaper. In addition, the Clerk to the Board will notify the local Mental Health Stakeholders Group of the vacancy and ask for applications.

Applications that are received by the Clerk will then be brought to the Board of County Commissioners at a regular meeting for their appointment of a member.

**Commissioner Hogsed moved to approve the procedure to nominate members to the LME Board, seconded by Commissioner Bullock and unanimously approved.**

ANIMAL CONTROL

The Board of Health and the County Manager recommend that oversight of Animal Control be moved from the Health Department to the County Manager. Under the new organization the direct responsibility of Animal Control would be given to David McNeill, Emergency Services Coordinator. In times of emergency, Animal Services works closely with Emergency Management. The Manager believes this will benefit the

organization and improve customer service. The Manager referenced a letter from the Board of Health encouraging the Commissioners to make the change.

**Commissioner Guice moved to approve the change in reporting relationship of Animal Control from the Health Department to the County Manager, seconded by Commissioner Bullock and unanimously approved.**

#### RECOGNITION OF BUSINESSES

The Economic Development Advisory Board (EDAB), at the request of Chairman Chappell, studied ways to recognize businesses in the community. Planning and Economic Development Director Mark Burrows offered the following recommendations for recognizing businesses for their success:

1. Continue using a multi-pronged approach with different media sources (newspaper, e-Newsletter, radio, etc.)
2. Expand the Joint Chamber/Economic Development Luncheon to include a broader number of guests
  - a) Have specific competitive awards to be presented by the Transylvania County Commission Chairman
    - Business selected on greatest increase in gross sales
    - Entrepreneur of the Year
    - Non-profit of the Year
    - Chairman's Pick (Industry Employment by Work Type as identified by the NC Employment Security Commission {e.g., construction, manufacturing, transportation and utilities, wholesale and retail trade, finance, service and miscellaneous, agriculture}).
  - b) Provide Thank You! Certificates to business owners celebrating milestone years (1, 5, 10, etc.)
3. Chamber and County Planning and Economic Development (and others) to purchase ad in the local paper to recognize Award Winners and businesses celebrating milestone years.
4. As appropriate, County Commissioners, EDAB members and others meet at the Business to thank them for special recognition.

**Commissioner Guice moved to approve the EDAB recommendations, seconded by Commissioner Phillips and unanimously approved.**

#### MANAGER'S REPORT

The Manager reported the following:

- The Manager and Finance Director Gay Poor recently attended a workshop in Raleigh to learn about local tax referenda and how other counties launched a

successful campaign. They also met with the Local Government Commission about borrowing funds.

- The Manager would like to begin the budget process earlier this year. He has asked department heads to be mindful of their budget requests. He also asked Commissioners to keep in mind that there will be a number of vehicle requests in the budget and the City will no longer fund the SRO position.
- The Manager asked Commissioners to submit their ideas for topics for the Planning Workshop.
- Employees are going through the appeals process with Springsted, Inc. Staff expects a response within two weeks after Springsted, Inc. receives the appeals.

### **PUBLIC COMMENTS**

Mr. Henning Meyn: Mr. Meyn asked Commissioners to consider putting themselves in tourists' and citizens' shoes when making their final decision about Courthouse renovations. He asked Commissioners to think about what they want Brevard to look like.

Mr. Terry Crowe: Mr. Crowe spoke in support of the Commissioners' desire to explore options for a new court facility on Morris Road.

Ms. Annette Cooper: Ms. Cooper spoke about the incident at the Planning Board meeting. She feels that Mr. Crowe did nothing wrong and he should not have to explain himself to other members. Ms. Cooper also believes that the court facilities should be moved to the Morris Road site.

Mr. Jack Hudson: Mr. Hudson said he appreciates the Board taking another look at the Courthouse situation.

### **COMMISSIONERS' COMMENTS**

Commissioner Bullock said he is pleased to see the public have such an interest in their local government. He believes the Board has made tremendous strides in the last few months to dialogue with the public.

Commissioner Guice said Commissioners want to do the right thing when dealing with important issues but there are lots of factors that go into making decisions.

Commissioner Phillips thanked Commissioner Bullock for his comments. He said he appreciates the participation from the public.

Commissioners scheduled their Planning Session for March 1, 2008.



**ADJOURNMENT**

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

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Jason R. Chappell, Chairman  
Board of County Commissioners

ATTEST:

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Trisha D. McLeod  
Clerk to the Board