

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**March 24, 2008 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, March 24, 2008 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

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

Also present were County Manager Artie Wilson, County Attorney Curtis Potter, and Clerk to the Board Trisha McLeod.

Media: *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 7:10 p.m.

**WELCOME**

Chairman Chappell welcomed everyone to the meeting and noted that Commissioner Bullock would be delayed.

**PUBLIC COMMENT**

Mr. Jerry Kline: Mr. Kline requested to address the Board regarding the unsafe conditions of US 64 West. Mr. Kline stated that US 64 West between Rosman and Jackson County is a deathtrap and has never been a safe road since it was built in the 1920's. He said large tractor trailers run drivers off the road and the road shoulders have been washed out. He also said the road has many deep pot holes that cause damage to vehicles. Mr. Kline said he believes the current road conditions are putting people's lives in danger. He asked for the Board's consideration and influence in helping to improve the conditions of US 64 West.

Chairman Chappell asked the Manager to forward Mr. Kline's comments to Mr. Joel Setzer with the NC Department of Transportation.

**AGENDA MODIFICATIONS**

The Manager reported on the Agenda modifications. He requested to remove Item E, Discussion Regarding US 64 as a Truck Route under New Business, to add Item D, CJPP Grant - Continuation of Implementation Funding and move all other items down in

succession. The Manager also requested to add Item F, Change Order #2 for the Public Safety Facility and move the Manager's Report to Item G.

**Commissioner Phillips moved to approve the revised Agenda, seconded by Commissioner Hogsed and unanimously approved. Commissioner Bullock was absent for the discussion and vote.**

### **CONSENT AGENDA**

**Commissioner Hogsed moved to approve the Consent Agenda as submitted, seconded by Commissioner Guice and unanimously approved. Commissioner Bullock was absent for the vote.**

The following items were approved:

#### MINUTES

The Minutes of the March 4, 2008 special meeting and the March 10, 2008 regular meeting were approved.

#### FACILITIES USE REQUESTS

The use of the parking lots behind South Broad Park by the Tailgate Market on Tuesdays, Thursdays, Fridays, and Saturdays from April 19, 2008 to October 25, 2008 from 7:00 a.m. to 1:00 p.m. was approved.

#### DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for February 2008 was approved.

### **PRESENTATIONS/RECOGNITIONS**

#### UPDATE ON BLUE RIDGE COMMUNITY COLLEGE

Dr. Molly Parkhill, President of Blue Ridge Community College, updated Commissioners on the status of the College. She informed Commissioners that construction of the new Applied Technology Building is at 75% completion and is scheduled to be complete by June 2, 2008. Faculty is already recruiting students from high schools and employers in the County. Ms. Parkhill also informed Commissioners that the College received \$350,000 from the North Carolina Community College System to equip the Automotive Technology and Nursing Programs that will be housed in the new Applied Technology Building. An Open House is scheduled for October 1, 2008. Ms. Parkhill asked Mr. Chad Merrill to update the Commissioners on the status of the Transylvania BRCC Center.

Mr. Merrill updated Commissioners about enrollment in specific programs. As of this spring, duplicated enrollment in the Curriculum Program is over 570 students across 51 courses, which is an increase from last spring. The unduplicated headcount is approximately 266 students. BRCC works closely with the high schools in the County and, in the current year, has enrolled 148 high school students through the Dual

Enrollment Program. Overall college enrollment is approximately 2,000 students per semester, with 19% of the enrollment being from Transylvania County, also an increase from last year. Mr. Merrill further noted that 589 students are enrolled in the Continuing Education Program. These numbers do not include students enrolled in EMT training and Nurse Aid Programs.

Recently BRCC surveyed high school juniors and seniors in the County to learn how students view BRCC as an alternative to post secondary education. Of the students surveyed, 23% had taken a class at BRCC. The survey indicated students' main reasons for attending BRCC would be to save money, to improve their academic record, and to remain in the County. The top reason for not attending BRCC was the preference to attend a four-year school. The survey also indicated that 50% of high school students would consider BRCC as a viable option for them.

Mr. Merrill concluded by saying he recently attended a meeting at which he received an Employment Security Commission Labor Market Analysis. The analysis indicated that the fastest growing occupations from 2004 to 2014 requiring post secondary vocational training were Nurse Aids and Automotive Technicians. Also the fastest growing occupation requiring an Associate's Degree was in the Nursing Program. All three of these programs will be housed in the new Applied Technology Building.

Mr. Merrill reminded Commissioners of the Open House scheduled for October 1, 2008. A day event is also scheduled for October 4, 2008 for students and their families. Mr. Merrill said he will schedule a tour of the campus for Commissioners.

Chairman Chappell commented that BRCC is a jewel in the community and stated that one of the best economic development tools the County can have is a well trained work force.

## **APPOINTMENTS**

### NURSING/ADULT CARE HOME ADVISORY COMMITTEE

**Commissioner Phillips nominated and moved to appoint Margaret Schleining to fill the unexpired term of Steve Hartington, seconded by Commissioner Guice, and unanimously approved. Commissioner Bullock was absent for the vote.**

### BOARD OF HEALTH

**Commissioner Hogsed nominated and moved to appoint Linda Shieve to the Board of Health, seconded by Commissioner Guice and unanimously approved. Commissioner Bullock was absent for the vote.**

## **OLD BUSINESS**

### FOLLOW UP PLANNING BOARD – ZONING OPTIONS

At the March 10, 2008 regular meeting, Commissioners instructed Staff, along with the Planning Board, to provide a time frame for meeting with the public about the possible

ETJ expansion and a time frame for implementing zoning if the County chose to do so. The Board also requested the answers to several questions which Mr. Burrows reported on.

Mr. Burrows first reported that the zoning does not take precedence over an existing ETJ. He also stated that a county can not zone an area around a municipality for the purposes of restricting a municipality from extending its ETJ. Zoning must only occur for the purposes of protecting the citizens of a particular jurisdiction or jurisdictions. Also, zoning must be in conformance with a county's comprehensive plan and designed to promote the general health, safety and welfare of the citizens, with reasonable consideration of the character of the district and its suitability for particular uses. The process to establish zoning must be in accordance with North Carolina General Statute Section 153A, 340-348.

Mr. Burrows also reported the following process for implementing zoning:

1. Hold public information sessions at different community centers (1-2 months)
2. Develop a zoning ordinance (3-4 months)
3. Meet statutory requirements for public noticing (1 month)
4. Hold public hearing and make any necessary changes to ordinance (1 month)

The entire process could take 6-8 months to implement. Mr. Burrows noted that many citizens have received letters from the City of Brevard stating that their property is under consideration to be included in the expansion of the ETJ.

Commissioner Guice said it is extremely important that County Commissioners schedule a joint meeting with the City of Brevard. The potential expansion of the ETJ affects approximately 1,000 parcels. Commissioner Guice said it is essential to understand the City's motivation concerning the extension of the ETJ before giving Staff and the Planning Board further direction. He noted that annexation, especially involuntary forced annexation, is a major concern to many citizens because it does not require a vote of the people that are affected. He also asked Commissioners to review resolutions from Polk and Rowan Counties and to prepare a resolution indicating their opposition to involuntary forced annexation.

Chairman Chappell said he has already contacted Mayor Harris about scheduling a joint meeting. Mayor Harris is supportive of a joint meeting and is willing to schedule a time to meet as soon as the City has gathered additional information. Chairman Chappell said he is supportive of a resolution opposing involuntary annexation and asked Staff to add the resolution as an agenda item for the next meeting.

Commissioner Guice said the joint meeting should take place before the public hearing that the City has scheduled. Commissioner Hogsed concurred with Commissioner Guice. He said it is important to understand the City's motivation and he hopes the citizens will benefit from it. Chairman Chappell instructed Staff to continue their efforts to schedule a joint meeting before the public hearing. (Commissioner Bullock joined the meeting during this discussion.)

## NEW BUSINESS

### REQUEST FROM BOARD OF ELECTIONS

The Manager reported that the Board of Elections has requested to use the old Library on the following dates:

#### *May 6, 2008 Primary Election*

April 21, 23, 24, 25, 30 and May 1 for precinct official training

#### *November 4, 2008 General Election*

October 13 - November 1 for One Stop Voting and precinct official training

The Manager stated there is no conflict for the use of the old Library for the Primary Election activities. However, per the Board's instructions, Staff has moved forward with the plans for renovations of the old Library. The plans are nearing completion, and if the Board approves Staff to go out for bids on the project, renovations would be going on during the General Election. Renovations are expected to take approximately nine months.

Board of Elections Chairman Jack Hudson addressed the Board. Mr. Hudson said this year's election is going to produce the largest voter turnout they have ever had. He reported that the State Board of Elections' records show new registrations have doubled from four years ago. For this reason, Mr. Hudson believes the Community Service Conference Room will not be large enough to accommodate their needs and hence their request to use the old Library. Mr. Hudson further stated that if they are unable to use the old Library, they will require a second location for One Stop Voting along with the Community Services Conference Room, which could be costly. For One Stop Voting, the Board of Elections must have exclusive use of a location for a three week period immediately before the General Election with adequate electricity, rest rooms, break areas, telephones, parking for election workers and voters, and the site must be ADA accessible.

Chairman Chappell commented that One Stop Voting was offered in two locations when it was first held in Transylvania County. Mr. Hudson replied yes but said the second location was too small. He added that it is difficult to use facilities that are already being used by others because the Board of Elections must take over the facility during the One Stop Voting period and no one else can have access to the facility.

Commissioner Guice asked if registrations have also doubled for Transylvania County over the last four years. Mr. Hudson indicated that registrations have increased significantly. Board of Elections Director Judy Mathews added that she did not have the data at this time but she would provide the information to Commissioners. She noted that the registration books will close on April 11, 2008 in preparation for the Election. Ms. Mathews reported that the State expects an average voter turnout of 50% to 51% but Transylvania County is usually 10% to 20% better than the State average.

Commissioner Guice asked if it would be feasible to select a second location in an area where some of the larger precincts are located. Ms. Mathews responded that the Board of Elections has considered that option but a second location would require additional staff and equipment.

Commissioners discussed possible locations for a second polling place for One Stop Voting. Chairman Chappell requested that Commissioners move forward with approving the Board of Elections' request to use the old Library for precinct official training for the Primary Election and then continue discussions about locations for One Stop Voting activities and precinct official training for the General Election.

**Commissioner Hogsed moved to authorize the use of the old Library for Precinct Official Training for April 21, 23, 24, 25, 30, and May 1. The motion was seconded by Commissioner Guice and unanimously approved.**

Commissioner Guice said he believes Commissioners should explore other options to accommodate the General Election activities and determine what additional costs may be incurred if a second location is necessary. Ms. Mathews noted that 51% of all votes cast in the 2006 General Election occurred during One Stop Voting and she expects that number to increase for the 2008 Primary and General Elections.

Chairman Chappell asked when a site must be designated for the General Election. Ms. Mathews responded that the site must be determined at least 2 to 2 ½ months prior to the General Election. Chairman Chappell asked Ms. Mathews to provide the registration totals and the potential costs of an additional site to the Commissioners.

Commissioner Hogsed commented that he would approve the Board of Elections' request to use the old Library for General Election activities if Commissioners decide not to move forward with renovating the facility. Commissioner Guice asked Elections Staff how they feel about having two locations. Ms. Mathews responded that Elections Staff would prefer one large location.

Commissioner Phillips noted that although the plans for the old Library will be completed in April, the two Courthouse Committees are not expected to report back to Commissioners until June. Considering those factors and the time frame required to go out for bids, he believes the old Library may still be available for the Board of Elections use for General Elections activities.

Commissioner Bullock asked long before the Board would have to seriously consider two locations for One Stop Voting now that more and more people are voting early. Ms. Mathews responded that she believes within the next five years there will be a small number of voting sites spread throughout the County for One Stop Voting.

Chairman Chappell concluded the discussion and stated that the second part of the Board of Elections' request would be considered after Commissioners receive additional information.

### REQUEST FROM ROSMAN LITTLE LEAGUE

The Manager stated that in the spring of 2007 representatives from Rosman Youth Baseball and Softball appeared before the Board of Commissioners and discussed the need for land for recreational activities. Since that time, they have located approximately 20 acres of property near the Peter Vitalie Plant for this purpose and the owners are willing to lease the property. The Comprehensive Recreation Master Plan does indicate a need for recreational facilities in the Rosman area. The Manager noted that there are several issues that need to be addressed before a decision is made to lease or purchase the property. The Manager and Recreation Director Rick Pangle are in the process of gathering information about the property and what costs may be incurred if the County leased the property. He suggested that Staff explore the possibility of a one year lease and bring the proposal back to Commissioners at the April 28, 2008 Board of Commissioners' meeting. Staff will need time to evaluate the property and how it could be developed. He announced that Mr. Tim Petit and representatives from Rosman Little League have additional information they would like to share with Commissioners.

Mr. Petit stated that number of youth involved in sports has increased significantly and there is no permanent place in Rosman for them to practice. He said he feels obligated to find a location for them to practice and play. Mr. Petit included a cost analysis for leasing the property over a 25 year period. Including a 3% increase each year, the cost of leasing the property would be \$72,301. A lease of 25 years or more will allow them to apply for grants and other funding. Mr. Petit asked for the Commissioners' support in leasing the property.

Commissioner Guice indicated a tremendous need for a facility in Rosman. He stated he would prefer a 25 year lease with an option to purchase, but the property first needs to be evaluated to determine how it can be used. Commissioner Guice noted that an investment into a facility of this nature is quite expensive and a long term lease with an option to purchase protects the County's investments in the property. He also stated that this is something the County must do for the kids and the future.

Commissioner Bullock said he would also prefer a long term lease. Chairman Chappell agreed and noted the Recreation Master Plan indicates a tremendous need for a facility in Rosman.

Commissioner Guice noted that Mr. Petit posed several questions in his proposal to Commissioners and those questions must be answered before moving forward as well.

Commissioner Phillips stated the property appears to be ideal for this type of facility and the cost to lease the property is incredibly low. He commended Mr. Petit for his efforts in locating the property.

Mr. Petit said the intent is to keep the cost to taxpayers as low as possible. He has secured volunteer labor and equipment to keep cost down. He reported that the Recreation Master Plan indicates a need for a park in the Rosman area. He believes this

property will satisfy the need for a youth sports facility, parks, greenways, picnic shelters, etc.

A representative from Rosman Little League commented that hosting tournaments can bring money into the County. Another representative thanked Commissioners for their support of Rosman Little League. He said he believes the entire County will benefit from this project.

Commissioner Hogsed commended Mr. Petit and the others for their hard work and efforts in finding a location in Rosman that will give kids an opportunity to play sports. He said the County has an obligation to move forward with securing a permanent location.

The Manager stated that Staff will bring a proposal to Commissioners at the April 28 meeting. He will also be working with the Attorney on the lease agreement.

**RESOLUTION 12-08: IN SUPPORT OF CONTINUATION OF CRIMINAL JUSTICE PARTNERSHIP PROGRAM FUNDING**

The Manager stated that funding for the Criminal Justice Partnership Program (CJPP) has been removed from the continuation budget and is now subject to continuation review which could delay annual appropriations to the County. During the past calendar year, the CJP Program provided services for 35 clients. If the program is discontinued, it would result in the loss of rehabilitative services for offenders and additional costs for incarceration due to the failure rates for offenders. Over the last several years, the County has received approximately \$50,000 annually to provide services for sentenced offenders. The Manager asked Commissioners to approve a resolution in support of ongoing funding for this program.

Ms. Judith West, CJPP Coordinator for the County, said she is proud of how the County has utilized CJPP funds. She said without the funds people will not get the services they need. She asked for Commissioners' support in passing the resolution. Ms. West added that the request for funding for FY 2008-2009 is almost identical to the current year.

After comments, **Commissioner Bullock moved to approve Resolution 12-08, Resolution In Support of Continuation of Criminal Justice Partnership Program Funding, seconded by Commissioner Hogsed.** Commissioner Guice stated that without this funding, offenders would not receive the necessary treatment to help them become successful members of the community. **The motion passed unanimously.**

(Resolution 12-08, Resolution in Support of Continuation of Criminal Justice Partnership Program Funding, attached as a part of these Minutes.)

**CJPP GRANT- CONTINUATION OF IMPLEMENTATION FUNDING**

The Manager stated that the County submits a grant application to the State on an annual basis. The amount of funds requested for FY 2008-2009 is \$54,324. He asked for the authority to apply for CJPP funding.



**Commissioner Guice moved to approve the grant application for funding in the amount of \$54,234 and authorize the County Manager and the Finance Director to sign the application, seconded by Commissioner Phillips and unanimously approved.**

RESOLUTION 13-08: RECOGNIZING THE TENNESSEE VALLEY AUTHORITY (TVA) ON ITS 75<sup>TH</sup> ANNIVERSARY

The Manager reported that on May 18, 2008 the Tennessee Valley Authority (TVA) will celebrate its 75<sup>th</sup> anniversary. The TVA Act was passed by Congress on May 8, 1933 and was one of President Roosevelt's innovative solutions to lift the nation out of the depths of the Great Depression. Over the years, the TVA has played a vital role in providing electricity, flood control, and sustainable economic growth to the local governments throughout the Tennessee valley region. The 75<sup>th</sup> anniversary will be celebrated at Muscle Shoals, Alabama, which is the site of the Wilson Dam and the location of two nitrate plants that were built by the Federal Government to supply explosives during World War I. The Tennessee Valley governments have been asked to show their support and recognition of the TVA by adopting a resolution recognizing its 75<sup>th</sup> anniversary.

He noted that the County does not belong to the TVA but has received grant funds from them in the past to help with economic development growth. He asked Commissioners to approve Resolution 13-08, Recognizing the Tennessee Valley Authority On Its 75<sup>th</sup> Anniversary.

**Commissioner Phillips moved to approve Resolution 13-08, seconded by Commissioner Bullock.** Commissioner Hogsed stated that he would not support this resolution because he disagrees with the TVA's principles. He said this Country was founded on the principles of a free market society and capitalism. Studies have shown that the creation of the TVA actually lengthened the Great Depression and put many Americans out of business. **The motion passed 4 to 1, with Commissioner Hogsed voting no.**

(Resolution 13-08, Recognizing the Tennessee Valley Authority On Its 75<sup>th</sup> Anniversary, attached as part of these Minutes.)

CHANGE ORDER #2- PUBLIC SAFETY FACILITY

The Manager reported that MB Kahn has exceeded the amount of unsuitable soil allowable in the contract. An estimated 1,400 cubic yards of additional soil will have to be removed at \$8.40 per cubic yard, which amounts to \$11,760. MACTEC Engineering determines whether or not the soil is suitable. He asked the Commissioners to approve the change order.

**Commissioner Guice moved to approve Change Order #2 for the new Public Safety Facility, seconded by Chairman Chappell and unanimously approved.**

### MANAGER'S REPORT

The Manager reported the following:

- The contractor has begun pouring the footers for the Public Safety Facility. Commissioners received pictures of the project via email.
- Staff continues to work on their budgets in preparation for the April 12 Planning Workshop. The County has not received all of the proposals for the budget. The Board of Education will present their budget proposal to Commissioners in early May. The Manager asked Commissioners to submit topics of discussion for the Planning Workshop to him.

### **PUBLIC COMMENT**

Mr. Jack Hudson: Mr. Hudson asked Commissioners to explore opportunities for naming the sports complex in Rosman which could potentially add funds to the project.

### **COMMISSIONERS' COMMENTS**

Commissioner Hogsed asked everyone to remember Emory Owen who recently was severely burned. He also asked everyone to remember Mr. Dodson that suffered damage to his home due to a fire.

Commissioner Guice asked Staff to select a large comfortable location for the joint meeting with the City of Brevard. The Manager said he plans to reserve the Rogow Room at the Library.

Chairman Chappell thanked everyone that participated in the March of Dimes Fundraiser. He said the March of Dimes raised over \$11,000.

### **ADJOURNMENT**

There being no further business to come before the Board, **Chairman Chappell made a motion to adjourn the meeting, seconded by Commissioner Bullock 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

