

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
November 10, 2008 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, November 10, 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. 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 eight 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 and thanked the members of the audience for participating in their County government.

PUBLIC COMMENT

There were no comments from the public.

AGENDA MODIFICATIONS

The Manager reported on the Agenda modifications. He requested to add Item VIII-E Proposed Truck Restrictions for Transylvania County and RPO Transportation Priority Projects List, under New Business, and move the Manager's Report to Item VIII-F under New Business.

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

CONSENT AGENDA

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

The following items were approved:

MINUTES

The Minutes of the October 23, 2008 Special Session and sealed Closed Session and Minutes of the October 27, 2008 Regular Meeting were approved.

FACILITIES USE REQUESTS

The use of the Courthouse Gazebo by the Pisgah Forest Rotary Club for a Sharing House Food Drive on November 22, 2008 from 9:00 a.m. to 5:00 p.m. was approved.

NEW BUSINESSRESOLUTION HONORING THE MEMORY OF PFC CODY JOEL EGGLESTON

Private First Class Cody Eggleston of Eugene, Oregon died October 24, 2008 in Bethesda Maryland from injuries suffered on October 16, 2008 in Iraq. The Manager asked Commissioners to approve Resolution 45 – 08 in his memory. The City of Brevard and the Town of Rosman will also approve the joint resolution. It will be presented to PFC Eggleston's wife, Karie, who lives in Brevard, at a future meeting. A copy will also be sent to his parents in Eugene, Oregon. Commissioner Hogsed read Resolution 45 – 08 as follows:

**JOINT RESOLUTION 45 – 08
HONORING THE MEMORY OF PFC CODY JOEL EGGLESTON**

WHEREAS, PFC Cody Joel Eggleston was a native of Eugene, Oregon, and spent much of his life in Alaska where he touched the lives of many with his caring personality; and

WHEREAS, PFC Eggleston chose to serve his Country as a member of the Army's 1st Battalion, 5th Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry; and

WHEREAS, PFC Eggleston made the ultimate sacrifice by giving his life while fighting the "War on Terror"; and

WHEREAS, the citizens of the Town of Rosman, City of Brevard, and Transylvania County live in freedom because of the contributions and sacrifices made by PFC Eggleston and others serving in the Armed Forces of the United States in time of national peril.

NOW, THEREFORE, BE IT RESOLVED that the Town of Rosman, City of Brevard, and County of Transylvania, North Carolina, do hereby honor the memory of PFC Cody Joel Eggleston. Further, we do hereby ask that his sacrifice serve as a constant reminder to our citizens of the high price of liberty.

BE IT FURTHER RESOLVED, this resolution shall be spread upon the official minutes of each governing body and a copy forwarded to his wife who lives in Brevard and his parents in Eugene, Oregon.

This the 10th day of November, 2008.

Commissioner Guice moved to approve Resolution 45 – 08 Honoring the Memory of PFC Cody Joel Eggleston, seconded by Commissioner Phillips and unanimously approved.

SECURE RURAL SCHOOLS PROJECTED PAYMENTS

The Manager reported that the recently enacted Emergency Economic Stabilization Act of 2008, better known as the “Bailout Bill”, included reauthorization of the Secure Rural Schools and Communities Act and significantly revised the funding formulas for the Secure Rural School payments. In North Carolina, there are 25 counties eligible for the funding, including Transylvania County. The Manager and the Finance Director recently participated in a conference call to learn more about the necessary requirements to secure additional funds. He reported that the funds the County received in FY 2007 amounted to \$63,142. In FY 2008 the funds could potentially be \$131,430, an increase of \$68,288.

In order to receive funding, the County must select between two methods of distribution. The first distribution method is to select a 25% rolling average election which would reduce the amount to \$18,225, significantly below the amount the County has been receiving. The second distribution method is the Formula Payment Title which includes a larger amount of funding for the County.

Staff recommends that the County select the Formula Payment Title. This distribution method would be in effect for four years and requires that no less than 15% or no greater than 20% be allocated for the Title I, II or III programs. Staff also recommends that 15%, or \$19,715, be allocated to the Title III program for reimbursement for eligible fire suppression, rescue operations and other emergency services provided on federal lands. By selecting this method, an additional \$48,515 would be available for allocation to the school system for capital purposes.

The Manager further reported that counties must submit their designations prior to November 14, 2008, at which time the State must notify the US Forest Service of its counties intentions. The Manager asked Commissioners to approve Resolution 46 – 08 in support of the payment distribution method and the County Payment Elections and Allocations Form, both of which will be submitted to the North Carolina Office of State Controller.

Commissioner Hogsed moved to approve Resolution 46 – 08 and the County Payment Elections and Allocations Form, seconded by Commissioner Guice and unanimously approved.

Resolution 46 – 08 is hereby incorporated by reference and made a part of these minutes.

BRIDGE REPLACEMENT – PISGAH FOREST ON OLD US 64

The Manager reported that the Department of Transportation (DOT) has begun the design phase for the bridge over the Davidson River in Pisgah Forest (B4291). Davidson River Village has requested that the bridge contain a sidewalk for pedestrians. The Manager has been in contact with DOT Division 14 Engineer Joel Setzer and he indicated that the sidewalk should be included in the design phase if the sidewalk is needed. Mr. Setzer estimated that the addition of a sidewalk in the design would cost approximately

\$100,000 and include three additional months of construction. Mr. Setzer has requested a letter of support for the construction of a sidewalk from the City of Brevard, Transylvania County and Davidson River Village. The Manager stated that with the projected development of the Ecusta property this would be the ideal time to include the pedestrian sidewalk in the design.

Chairman Chappell clarified that this project includes no local dollars and will be funded by the State. The Manager added that the letter from Davidson River Village requests sidewalks be added rather than a single sidewalk, which was not originally discussed. He asked for guidance from Commissioners regarding the letter of support that will be sent to Mr. Setzer.

Commissioner Phillips asked the Manager whether the project will have to be approved once more or if adding the sidewalk only affects the construction of the project. The Manager replied that the project could be approved at the local level as long as there was support for the addition of a sidewalk. A letter of support from Commissioners would accomplish this.

Chairman Chappell expressed his concern about the additional funds that will be needed for this project, while the DOT continues to delay the NC 215 project which is badly needed. He further expressed concern over the way DOT allocates funding for projects. The Manager noted that the project is in the design phase and has not gone out for bid. It would be easier to include the sidewalk in the original design, rather than to add a sidewalk at a later date. The replacement of the bridge is a priority because it is very narrow and dangerous.

Commissioner Guice agreed that it would be beneficial to include the sidewalk in the design phase. Commissioner Phillips asked where the pedestrian traffic would come from and further questioned the need for more than one sidewalk. The Manager explained that the project would include wider shoulders. The sidewalk would allow people to remain off the shoulders of the road.

Commissioner Hogsed said the County does not know what the old Ecusta property will look like once the Davidson River Village project is complete. He also noted that the original bridge was built in 1921 and can not accommodate traffic safely at this time. He asked that Commissioners request the addition of one sidewalk, at minimum, and preferably two sidewalks in the design. He cited safety concerns as his reason for requesting two sidewalks.

After further discussion, **Commissioner Guice moved to approve the letter to Division 14 Engineer Joel Setzer in support of adding at least one sidewalk, preferably two sidewalks, to the design of the new bridge (B4291) on US 64 in Pisgah Forest crossing the Davidson River. The motion was seconded by Commissioner Hogsed and unanimously approved.**

CONTRACT WITH NORTH CAROLINA RSA 1 PARTNERSHIP

The Manager reported that Staff has been in negotiations with North Carolina RSA 1 Partnership (US Cellular) for leasing space on the tower at the landfill. Staff has

negotiated the lease for \$2,000 per month effective January 1, 2009. The Manager asked for authorization to enter into the lease which will allow US Cellular to install their equipment on the tower and prepare to be operational in January 2009.

Commissioner Phillips made a motion to authorize the County Manager to finalize the lease with North Carolina RSA 1 Partnership for \$2,000 per month with a 3% annual escalation, seconded by Commissioner Hogsed and unanimously approved.

PROPOSED TRUCK RESTRICTIONS FOR TRANSYLVANIA COUNTY AND RPO TRANSPORTATION PRIORITY PROJECTS LIST

The Manager reported that Senate Bill 1695, signed into law on August 17, 2008, made all primary routes in North Carolina eligible for tractor trailer combinations that use 53 foot long trailers. The NCDOT has updated the North Carolina Truck Network Map and the North Carolina Truck Restrictions Table to reflect changes made as a result of the new law. The change allows tractor trailers to travel on all Interstate routes and all routes that begin with US or NC. Many of these routes are not able to handle tractor trailers of this length.

Commissioner Hogsed reported that the Land-of-Sky Regional Council is collecting comments from counties as it pertains to the new law. Many counties are concerned that the regulations are not strict enough. He noted that many residents have reported complaints about dangerous roads and highways in the County. The deadline to submit comments is November 15, 2008.

Commissioner Guice agreed with the types of restriction placed on US 64 West, US 178, US 276 and NC 215. He is concerned about extending the length of the tractor trailers that are able to travel these roads and highways. He said his concerns are noted in the report provided to Commissioners.

Chairman Chappell pointed out that the restrictions would not affect local businesses in Transylvania County, only thru traffic. Commissioner Phillips commented that much of the thru traffic is accidental because the maps are not clear to tractor trailer drivers. He also agreed with the report.

Commissioner Hogsed requested that minutes from previous meetings at which residents shared their concerns about the dangerous driving conditions be included in the comments to the Land-of-Sky Regional Council. Chairman Chappell asked Commissioners to submit any additional concerns to the Manager.

MANAGER'S REPORT

The Manager reported the following:

- Work has begun on repairing the water damage to the DSS Building and should be complete next week.
- Work continues on the audit and will be presented to Commissioners at the first regular meeting in December.
- Staff is working on a 5-year projection of revenue and expenditures and a 5-year capital projection which will be presented to Commissioners in late January or early February.

- The County has been awarded a \$400,000 Scattered Site Housing grant to help rehabilitate homes in the County.
- A meeting is scheduled for November 24, 2008 in Raleigh to discuss the proposed Sylvan Valley Bypass. Staff is trying to arrange a video conference in order to participate in the meeting without having to travel to Raleigh.
- Commissioners need to consider a joint meeting with the Brevard City Council to discuss the ETJ. Chairman Chappell asked that Commissioners wait to schedule the meeting until after the new Board is sworn in.

PUBLIC COMMENT

Don Surette: Mr. Surette spoke about the bridge replacement in Pisgah Forest that was discussed earlier in the meeting. He said this particular area in Pisgah Forest has suffered two major floods. He believes, included with the bridge replacement, there should be measures taken to allow water to flow more freely in order to prevent flooding. He suggested adding larger culverts to allow the water to pass through.

COMMISSIONERS' COMMENTS

Chairman Chappell asked Commissioners to remember the family of Jon Wesley. Mr. Wesley recently passed away. Chairman Chappell noted that Mr. Wesley served on the County Planning Board.

Chairman Chappell also announced that Commissioners will have a closed session at the next regular meeting in November to evaluate the performance of the Manager and Tax Administrator. He asked Commissioners to bring their completed performance evaluation forms to the next meeting.

ADJOURNMENT

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

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board