

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
November 24, 2008 – REGULAR MEETING & CLOSED SESSION

The Board of Commissioners of Transylvania County met in regular session on Monday, November 24, 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 David Neumann and Clerk to the Board Trisha McLeod.

Media: *Transylvania Times* – Mark Todd

There were 11 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:05 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 requested to add Item VII-A Sidewalks for Bridge 4291 in Pisgah Forest, under Old Business.

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

CONSENT AGENDA

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

The following items were approved:

MINUTES

The Minutes of the November 10, 2008 Regular Meeting were approved.

FACILITIES USE REQUESTS

The use of the Courthouse Gazebo by the Salvation Army for the kick off ceremony for their annual kettle drive on November 28, 2008 from 8:30 a.m. to 11:00 a.m. was approved.

The use of Silvermont by Arbonne International for an appreciation reception for their clients on December 14, 2008 from 2:30 p.m. to 5:30 p.m. was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for October 2008 was approved.

PRESENTATIONS/RECOGNITIONS

PRESENTATION OF RESOLUTION HONORING THE MEMORY OF PFC CODY JOEL EGGLESTON

Commissioners approved Joint Resolution 45-08 Honoring the Memory of PFC Cody Joel Eggleston at their meeting on November 10, 2008. PFC Eggleston died on October 24, 2008 from wounds suffered on October 16, 2008 while serving in Iraq. The Town of Rosman and the City of Brevard also approved the joint resolution at their respective council meetings. Commissioners presented Karie Eggleston, PFC Eggleston's wife, with a framed copy of the resolution and offered their condolences for her loss. An additional framed copy will be shipped to PFC Eggleston's family in Oregon.

APPOINTMENTS

PLANNING BOARD

Commissioner Guice nominated and moved to appoint Kenneth Scott McCall to fill the unexpired term of Jon Wesley, seconded by Commissioner Phillips.

Commissioner Bullock noted that many qualified applicants are overlooked whose applications have been on file for some time, while others are chosen for boards soon after submitting their applications. He asked the Board to be mindful of that when appointing the next members to the Planning Board. Commissioner Guice concurred with Commissioner Bullock's comments. He added that the Planning Board members should be representative of citizens throughout the entire community and should be comprised of people with different views, not just those with the same viewpoints as Commissioners.

There being no further nominations, **the motion was unanimously approved.**

OLD BUSINESS

SIDEWALKS FOR BRIDGE 4291 IN PISGAH FOREST

The Board discussed this item at the previous meeting. The Manager stated that the Department of Transportation (DOT) has asked for additional information regarding the

bridge. They have estimated the cost of sidewalks to be approximately \$300,000. The addition of the sidewalks will delay the construction of the new bridge by four months.

The DOT has offered the County some additional alternatives. One is to leave the existing bridge in place as a pedestrian bridge, but the County or the City of Brevard would have to assume the maintenance of the bridge. If not, they will have to delay the project until they can find the \$300,000 to complete the project from either the DOT, the County, the City, the development, or a combination of these entities. The Manager asked Commissioners for direction on how to proceed.

Chairman Chappell said the County should not be responsible for the costs of the sidewalk, although he understands when the Renova project is complete the issue of pedestrian traffic will have to be addressed.

Commissioner Guice said the options should be discussed with the developer before the Board makes a decision. The sidewalks may be of enough importance to them to move forward. He concurred with Chairman Chappell that the County should not be responsible for the costs of the sidewalk. He pointed out Renova approached the County with the request for the sidewalks.

Commissioner Phillips said although sidewalks would be nice, the need for a new bridge should be the priority. He does not want the sidewalk issue to delay the project and requested that the discussions with the City and Renova be expedited as to not delay the replacement of the bridge.

Commissioner Bullock said the sidewalks may be needed in the future but the impact has been caused by the developer. He further stated that in other areas of the State the developer has to cover the cost of that impact.

Commissioner Hogsd pointed out that the DOT is a year away from going out to bid on the project giving the County some time to explore its alternatives with the City and the developers.

Chairman Chappell instructed the Manager to begin discussions with the City of Brevard and Renova regarding the DOT's request and report back to the Board as soon as possible.

NEW BUSINESS

BIDS FOR STREAM BANK STABILIZATION PROJECTS

The Manager reported that the Soil and Water Board went out for bids on five stream bank stabilization projects. Cantrell Construction Company was the lowest qualified bidder out of the six bids that were submitted. Funds for these projects will come from Division of Water Resources grants. The Soil and Water District Board of Supervisors met on November 17, 2008 and recommends that the project is awarded to Cantrell Construction Company for \$103,474.

Commissioner Phillips moved to award the bid to Cantrell Construction Company for \$103,474 for the stream bank stabilization projects, seconded by Commissioner Bullock and unanimously approved.

WESTERN HIGHLANDS NETWORK'S FISCAL MONITORING REPORT

Commissioners are required to approve the Western Highlands Network's Fiscal Monitoring Report and the approval should be recorded in the Minutes as such.

Commissioner Hogsd moved to accept the First Quarter Fiscal Monitoring Report for Western Highlands Local Management Entity, seconded by Commissioner Phillips and unanimously approved.

MANAGER'S REPORT

The Manager attended a meeting in Raleigh today with the Department of Transportation to discuss the proposed Sylvan Bypass. The purpose of the meeting was to determine and understand what elements encompass the proposed routes for the bypass. The Manager pointed out that the Davidson River Village, the Brevard Sewage Treatment Plant, and Davidson River School lie in the path of the proposed bypass. Representatives from the Department of Transportation plan to visit the County within the next year to view the proposed routes and meet with the Manager and City Manager to further discuss the project.

RESOLUTION 47-08 HONORING COMMISSIONER W. DAVID GUICE FOR HIS SERVICE TO THE CITIZENS OF TRANSYLVANIA COUNTY

This meeting is the final meeting for David Guice as a County Commissioner. He has served the citizens of Transylvania for eight years as a County Commissioner, serving as Vice-Chairman and Chairman during his term as well. The Board recognized Commissioner Guice by presenting him with a resolution in his honor and a framed picture of the 2006-2008 Board of Commissioners. He will continue to serve Transylvania County and its citizens as a Representative in the 113th NC House District.

Chairman Chappell read the resolution as follows:

Resolution 47-08

**Honoring Commissioner W. David Guice
For His Service to the Citizens of Transylvania County**

WHEREAS, David Guice has served Transylvania County and its citizens for a total of 8 years as a County Commissioner; and

WHEREAS, the Transylvania County Board of Commissioners wishes to recognize Mr. Guice's service as a public official during his term as Commissioner; and

WHEREAS, Mr. Guice's accomplishments include working with the Library Foundation on the funding and construction of the new Library, planning the construction

of the new Public Safety Facility and Animal Shelter, and providing fiscal leadership to the County by reducing the County budget by over \$2 million during the period when the County lost over 2,000 manufacturing jobs; and

WHEREAS, Mr. Guice was a champion for employees and supported Pay for Performance, Market Adjustments, Retiree Health Insurance and the implementation of a Pay Classification Study; and

WHEREAS, as a Commissioner, Mr. Guice represented the Board on the Gorges State Park Advisory Committee, the Tourism Development Authority, the Chamber of Commerce, the Transylvania County Personnel Board, and the Land-of-Sky Regional Council; and

WHEREAS, Mr. Guice will continue to serve the citizens of Transylvania County as the Representative of the 113th NC House District.

THEREFORE, BE IT RESOLVED by the Transylvania County Board of Commissioners that W. David Guice be commended for his 8 years of service to Transylvania County, where he also served as Vice-Chairman and Chairman, and that his loyalty and excellence of performance be recognized; and to extend to him best wishes for many years of good health and happiness in his future endeavors.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Board of Commissioners and that a copy be presented to Mr. Guice.

This the 24th day of November, 2008.

Commissioner Hogsed moved to approve Resolution 47-08 Honoring Commissioner W. David Guice for His Service to the Citizens of Transylvania County, seconded by Commissioner Phillips.

Chairman Chappell thanked Commissioner Guice for his service to Transylvania County and dedication to his role as Commissioner.

Commissioner Hogsed thanked Commissioner Guice for his friendship and said he looks forward to working with him in his new role as State Representative. He also commended Commissioner Guice for his leadership over the years and guiding the County during some difficult times.

Commissioner Phillips thanked Commissioner Guice for the sacrifices he made to serve in this role and for his service to the citizens of Transylvania County.

Commissioner Bullock also said he enjoyed working with Commissioner Guice and looks forward to continuing their relationship.

There being no further comments, **the motion passed unanimously.**

Commissioner Guice thanked his fellow Commissioners for the honor of serving the citizens of Transylvania County. He also thanked the Manager, Department Heads and employees for their hard work, noting that the work of staff has helped make this Board successful. Commissioner Guice also thanked his wife and children for being supportive of him in his role as Commissioner.

Chairman Chappell spoke on behalf of newly elected Commissioner Mike Hawkins who passed along his best wishes to Commissioner Guice.

The Manager said Commissioner Guice has always made decisions that he felt was best for the County. He thanked Commissioner Guice for his friendship and looks forward to working with him as State Representative.

Tax Administrator David Reid thanked Commissioner Guice for being an advocate for County employees. He further thanked him for all the hard work he put in this job and said he will be missed.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Hogsed said he always knew that whether he agreed or disagreed, Commissioner Guice was always doing in his heart what he felt was best. He commented that the most important thing he should keep in mind in his new role in Raleigh is the North Carolina Constitution.

Chairman Chappell reminded everyone of the kick off for the Salvation Army Kettle Drive on Friday and asked everyone to contribute if they can. He also wished everyone a Happy Thanksgiving.

Commissioner Bullock moved to enter into Closed Session per North Carolina General Statute 143-318.11 (a) (6) to consider the performance evaluations of the County Manager and Tax Administrator, after a 5 minute recess, seconded by Commissioner Hogsed and unanimously carried.

CLOSED SESSION

Pursuant to North Carolina General Statute 143-318.11 (a) (6) to consider the performance evaluations of the County Manager and Tax Administrator, closed session was entered into. Present were Chairman Chappell, Commissioners Bullock, Guice, Hogsed and Phillips, and Clerk to the Board Trisha McLeod.

Commissioners met to discuss and evaluate the performance of the County Manager and Tax Administrator and instructed the Chairman on how to proceed.

Chairman Chappell moved to leave Closed Session, seconded by Commissioner Phillips and unanimously carried.

OPEN SESSION

Chairman Chappell moved to seal the Minutes of the Closed Session, seconded by Commissioner Bullock and unanimously approved.

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.**

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board