

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
April 27, 2009 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, April 27, 2009 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, Mike Hawkins, 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 30 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:03 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 remove the application to use the Courthouse lawn and gazebo by Western North Carolina for America on May 16, 2009 from 11:00 a.m. to 2:00 p.m. for a Tax Tea Party under the Facilities Use Request section of the Consent Agenda. The applicant withdrew the application.

Commissioner Hogsed moved to approve the revised Agenda, seconded by Commissioner Bullock 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 April 13, 2009 Regular Meeting and sealed Closed Sessions were approved.

FACILITIES USE REQUESTS

The use of Silvermont by the Humane Society for their Annual Pet Show on July 4, 2009 from 8:00 a.m. to 11:30 a.m. was approved.

The use of Silvermont by the AAUW for an After-Book-Sale Potluck Dinner on July 6, 2009 from 4:30 p.m. to 7:30 p.m. was approved.

The use of the parking lot on South Broad Street by the Tailgate Market on the first Friday of each month from May 1, 2009 through September 4, 2009 from 8:00 a.m. to 12 noon was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for March 2009 was approved.

PRESENTATIONS/RECOGNITIONSPRESENTATION ON VETERANS ADMINISTRATION EXPENDITURES IN TRANSYLVANIA COUNTY

County Veterans Service Officer Frank Pearsall reported that over \$11 million is spent in Transylvania County by the Veterans Administration on an annual basis, \$6 million of which is spent in the form of pension and compensation for service related injuries and disorders. He further reported that the VA Hospital in Asheville services 794 veterans from Transylvania County. Mr. Pearsall announced his office hours as Tuesdays and Thursdays from 8:30 a.m. to 4:30 p.m. He is also available on other days by appointment.

Commissioner Hogsd moved to accept the report, seconded by Commissioner Bullock and unanimously approved.

RECOGNITION OF COUNTY VETERANS SERVICE OFFICER

County Veterans Service Officer Frank Pearsall recently became accredited by the State as a Veterans Service Officer. He is the first representative in Transylvania County to receive accreditation. Commissioners congratulated Mr. Pearsall and presented him with a certificate of appreciation recognizing his dedication and service to veterans in Transylvania County.

PROCLAMATION 22-09 NATIONAL DAY OF PRAYER

In 1988 both Houses of Congress adopted legislation declaring the first Thursday in May of each year as National Day of Prayer. Commissioners designated May 7, 2009 as "A Day of Prayer in Transylvania County".

Commissioner Bullock moved to approve Proclamation 22-09, seconded by Commissioner Hogsed and unanimously approved.

(Proclamation 22-09 is hereby incorporated by reference and made a part of these Minutes.)

2009 UNITED WAY CAMPAIGN WRAP UP

Human Resources Director Sheila Cozart reported on the 2009 United Way Campaign. The 2009 United Way Campaign for Transylvania County was a success. Employees raised \$24,236.96, surpassing their goal of \$22,000. County employees participated in several fundraising activities and events. The County received two awards: “Most Fun Payroll Event” and “Gold Award” for raising over \$10,000 for United Way.

Ms. Cozart recognized Dean Landreth and Carson Griffin, Co-Chairs of the 2009 United Way Campaign for all their hard work. Mr. Landreth thanked all those that participated. United Way Director for Transylvania County Steve Pulliam also thanked everyone that participated. He noted that since the closing of two major plants in the County, Transylvania County employees have given over \$120,000 to help citizens in the County.

Commissioners expressed their appreciation to County employees for their hard work and generosity in helping to make the Campaign a success and for surpassing their goal.

APPOINTMENTS

DEPUTY TAX COLLECTOR

Due to the retirement of Genelle Chapman and the extended leave of Charlene Stone, the Board of Commissioners needs to appoint another Deputy Tax Collector. Tax Administrator David Reid recommended appointing Annette Raines as Deputy Tax Collector.

Commissioner Hawkins moved to appoint Annette Raines as Deputy Tax Collector, seconded by Commissioner Bullock and unanimously approved.

AGRICULTURAL ADVISORY BOARD

Commissioner Bullock nominated and moved to appoint Sarah Lutz to fill the vacancy, seconded by Commissioner Hogsed and unanimously approved.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Hogsed nominated and moved to appoint Bruce Blackwell, seconded by Chairman Chappell and unanimously approved.

Chairman Chappell nominated and moved to appoint Marilyn Borom, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Hawkins nominated and moved to appoint Rose Stouder, seconded by Chairman Chappell and unanimously approved.

OLD BUSINESS

PROPOSED EROSION AND SEDIMENTATION CONTROL AMENDMENTS TO THE SUBDIVISION AND BUILDING REGULATIONS

At the February 23, 2009 regular meeting, the Board of Commissioners tabled the decision on whether to approve the proposed amendments to the Subdivision and Building Regulations. The Manager recommended the Board approve the amendments which would become effective May 1, 2009.

County Planner Mike Thomas provided a final overview of the proposed changes. The permitting process would include the filing of an erosion control plan for disturbances of land between 4,000 square feet and one acre. The plan would have to indicate measures that would control sedimentation on the lot. There would be no additional costs. If the plan is not successful in controlling erosion, the enforcement officer could require the owner to take corrective action or not issue a final permit until the situation had been corrected.

County Extension Director Eric Caldwell reported that over 80 people, mostly contractors, recently attended a workshop held in conjunction with the Planning Board on erosion and sedimentation control. He said most of the attendees had never received this type of training.

Mr. Thomas stated that the adoption of this plan in no way puts the County in jeopardy of being required to implement a full erosion control program as ordered by the State. He also noted that Sections 12.1 and 12.6 of the proposed plan will be revised to include no establishment of fees for this process.

Chairman Chappell and Commissioner Phillips both expressed their concern over the proposed amendments and would prefer the County educate the public as needed and report violations to the State for enforcement purposes.

Commissioner Phillips made a motion that proposed no changes to the Subdivision and Building Regulations Ordinance, which includes the soil and erosion control amendments as presented. The motion was seconded by Chairman Chappell. The motion failed by a vote of 3 to 2, with Commissioners Bullock, Hawkins and Hogsed voting against the motion.

Commissioner Hawkins moved to approve the proposed Erosion and Sedimentation Control Amendments to the Subdivision and Building Regulations to be effective May 1, 2009, seconded by Commissioner Hogsed. The motion passed by a vote of 3 to 2. Chairman Chappell and Commissioner Phillips voted against the motion.

NEW BUSINESS

CHANGE ORDERS FOR THE PUBLIC SAFETY FACILITY

The Manager presented 13 Change Orders for the Commissioners' review. He noted that two of the Change Orders, No.'s 30 and 46, have already been given verbal approval by the Board. These Change Orders total \$12,612.60. Change Orders to date total \$128,489.80, leaving a remaining balance of \$665,665.20 in Contingency. The Manager reviewed the list of change orders and asked for the Board's approval.

Commissioner Phillips moved to approve the Change Orders, seconded by Commissioner Hawkins and unanimously approved.

Commissioner Phillips excused himself from the meeting.

MANAGER'S REPORT

The Manager reported the following:

- Staff received a letter from FEMA indicating the final flood maps have been issued. The County will need to adopt a new flood ordinance by the end of August 2009. Staff will bring a proposal to the Board at the end of July. Chairman Chappell asked for the proposal to be placed on the County's website.
- Representatives from Davidson River Village will make a presentation to the Board at the first meeting in May regarding the status of the project.
- A public hearing will be held at the next meeting regarding the County's application for funds under the American Recovery and Investment Act of 2009. The amount of funds being requested is \$118,850 which will provide funding to the Transportation Department for the purchase of a van and to cover maintenance costs. There is no County match. Because of the application deadline Commissioners will need to vote on the application at the same meeting.
- There have been no occurrences of the swine flu in Transylvania County. Health Directors from across the state will participate in a conference call each morning to receive updates. Other agencies will be meeting on Thursday to review emergency plans as a precautionary measure.
- The Manager asked for direction on some issues at the new Public Safety Facility. One issue deals with the sidewalk on Morris Road and the other deals with the height of the ceiling in the entrance. The Manager feels the Board will be able to better direct staff if they could view the project firsthand. After discussion, the Board agreed to meet on Thursday at 5:30 p.m. at the Public Safety Facility site on Morris Road and instructed the Clerk to the advertise the meeting.

PUBLIC COMMENT

Sheila Cozart: Ms. Cozart commented that County Veterans Service Officer Frank Pearsall has a true desire and calling to serve people.

COMMISSIONERS' COMMENTS

Commissioner Bullock requested the Board consider designating a portion of the Blue Star Memorial Highway (Highway 64) in memory of Larry Jamerson and Charlie Bagwell. Larry Jamerson is the only soldier from Transylvania County classified as Missing in Action from the Vietnam War. Charlie Bagwell lost his life in the War on Terror in Afghanistan. He said the Town of Rosman has expressed their support for this. The Manager will follow up with the Department of Transportation to determine the correct process for designating a portion of the highway.

Commissioner Hogsed requested to add a resolution to the agenda for the first meeting in May in support of State sovereignty.

Chairman Chappell thanked emergency services and law enforcement staff for the work they do, noting the difficult situations they have had to deal with over the last week.

Chairman Chappell moved to enter into Closed Session per NCGS 143-318.11 (a) (3) to consult with an attorney in reference to the lawsuit Transylvania County versus Michael Baxley and Charlotte Baxley and per NCGS 143-318.11 (a) (3) to consult with an attorney, after a 5 minute recess. The motion was seconded by Commissioner Hogsed and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (3), to consult with an attorney in reference to the lawsuit Transylvania County versus Michael Baxley and Charlotte Baxley, closed session was entered into at 8:00 p.m. Present were Chairman Chappell, Commissioners Bullock, Hawkins and Hogsed, County Attorney Curtis Potter, Attorney Sean Perrin, County Manager Artie Wilson, Sheriff David Mahoney and Clerk to the Board Trisha McLeod.

The Attorneys updated Commissioners on the status of the lawsuit. Commissioners instructed staff on how to proceed.

Pursuant to North Carolina General Statute 143-318.11 (a) (3) to consult with an attorney. Present were Chairman Chappell, Commissioners Bullock, Hawkins and Hogsed, County Attorney Curtis Potter, County Manager Artie Wilson, Sheriff David Mahoney, and Clerk to the Board Trisha McLeod.

Commissioners consulted with the County Attorney on a matter and instructed staff on how to proceed.

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

OPEN SESSION

Chairman Chappell moved to seal the minutes of both closed sessions until such time that unsealing the minutes would not frustrate the purpose of the closed sessions, 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 Hogsed and unanimously carried.**

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board