

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
September 28, 2009 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, September 28, 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 David Neumann, and Clerk to the Board Trisha McLeod.

Media: *Transylvania Times*: Mark Todd

There were approximately 60 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:01 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting and thanked the members of the audience for participating in their County government.

PUBLIC COMMENTS

Gayle Ramsey: Last year Mr. Ramsey served on one of two Courthouse Committees, both of which made recommendations to the Board regarding the space needs and costs associated with constructing a new Courthouse and the impact of moving the Courthouse out of downtown. He commented on the Manager's proposal to renovate the old Sheriff's Building to house the Register of Deeds and Tax Offices and said this move may not be the best overall plan. He proposed that the County appoint a study committee to determine the best long term solution to addressing space needs, security issues and parking.

Tim Petit: Mr. Petit requested to defer his comments until the presentation by McGill Associates.

Tim Pressley: Mr. Pressley requested to defer his comments until the presentation by McGill Associates.

AGENDA MODIFICATIONS

The Manager reported on the Agenda modifications. He requested to add Item VIII-F Interlocal Agreement with the Town of Rosman, under New Business, and move the Manager's Report to Item VIII-G. He also requested to discuss the Variance Request – Flood Ordinance under New Business before the discussion on Space Needs under Old Business.

Commissioner Hogsed moved to approve the revised agenda, seconded by Commissioner Bullock and unanimously carried.

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 September 14, 2009 Regular Meeting and sealed Closed Session were approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for August 2009 was approved.

PRESENTATIONS/RECOGNITIONS

MCGILL ASSOCIATES - STUDY OF POTENTIAL NEW RECREATION AREA

Mike Norris of McGill Associates provided a report on the potential use of property in Rosman currently being leased by the County for a community recreational park. McGill Associates completed a study on the property to determine how the property could be used and the associated costs. The County can terminate the lease on the property after two years if it is determined that the property can not be used in this manner. It was noted that the property is located in the floodway.

The master planning process involved looking at the entire County's community needs. A community park was one of the top priorities listed in the master plan. In April, McGill Associates conducted a community meeting in Rosman to hear from the community about what they wanted to see in this project. One of the community's top priorities was to include a baseball field component with the park. In working with County staff, McGill Associates determined that four fields could be achieved on the property, as well as other amenities, such as volleyball and basketball courts, picnic shelters, and a walking trail. Included in the plan are different types of fields and amenities to accommodate different age groups. McGill Associates proposed two 250' fields, one multi-purpose field, one 350' field and a smaller tee ball field for younger kids. Walking trails and picnic shelters have been included in the master plan as well for those that may want to enjoy the park, but not participate in other sports activities. Mr. Norris noted that the French Broad River borders a piece of the property and to include this natural beauty and amenity in the master plan, they proposed an observation deck with the potential for canoe portage. Central to the baseball fields is a proposed structure. Because the structure would be located in the flood plain, permitting issues and other accessibility requirements would have to be addressed, including obtaining a no rise certification.

Discussion:

Commissioners inquired about different aspects of the proposed park, including the use of the fields, fencing, etc. Mr. Norris and Parks and Recreation Director Rick Pangle responded and noted that only the large multipurpose field has no fencing in order for it to accommodate more activities and that many factors were discussed in determining the placement of the fields in the proposed plan.

Mr. Norris discussed grading at the site. He said the grading for each of the fields is dependent on one another. Dirt would have to be moved from one field to another to raise the elevation. Mr. Norris again pointed out that a no rise certification would have to be obtained.

Discussion:

Chairman Chappell inquired about the possibility of using portable concession stands. Mr. Norris said that is a viable option and other counties have done so.

Mr. Norris reviewed the cost estimates for the project. The overall cost is estimated at approximately \$1.1 million and includes the gravel parking areas, mass grading, erosion control, storm drainage and everything essential for the infrastructure required for this site. Mr. Norris said the costs for restroom facilities and concessions are considerably higher because they have to be built on higher ground. McGill Associates also established costs for each individual field, which includes irrigation, fencing, and grading costs and the other recreation facilities, such as the basketball court, walking trails, picnic shelter.

Public Comment:

Mr. Tim Petit said the plan presented by McGill Associates encompasses everything the community needs. He addressed Commissioners about funding and presented a petition of approximately 300 signatures from people who want to see this park built. He said his group has done everything that has been asked of them and now they are asking the County to move forward with the construction of the park. Mr. Petit expressed his displeasure with the Board for not setting aside monies for the park during the budget workshop and noted that the County does not spend enough money for recreational needs for children in Transylvania County. He asked Commissioners to agree to commit \$50,000 to the park at this time and agree to match an additional \$50,000 through the PARTF grant.

Mr. Petit also inquired about why the Tax Office reclassified the property the County currently leases and allowed the taxes to increase on the property, noting that the property owners are leasing the property to the County at a good price.

Discussion:

Commissioners discussed the next steps that should be taken in order to move forward with this project. It was determined that the County should first receive the required no rise certification, after which the grading could begin on the site followed by the construction of the fields as funds become available. Mr. Petit has stated at previous meetings that there are people willing to volunteer their time to make this park a reality. Commissioners discussed this possibility with the Manager. The Manager pointed out that the County must follow the State regulations for the bidding process, but said it would be important to break the project up into phases to determine what should be done first and the estimated cost of each phase. In the mean time, he and staff will meet with Mr. Petit and any potential volunteers to see what they can offer.

Tax Administrator David Reid responded to Mr. Petit about his previous comment regarding the taxes on the leased property. Mr. Reid said the property has not been reclassified. The Manager added that when the County entered into the lease agreement, the property was not listed under its present use.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

The Government Finance Officers Association of the United States and Canada (GFOA) awarded the Certificate of Achievement for Excellence in Financial Reporting to Transylvania County for its comprehensive annual financial report for fiscal year ending June 30, 2008. Commissioners presented the award to Finance Director Gay Poor and thanked her and her staff for their hard work and dedication.

NEW BUSINESS

VARIANCE REQUEST – FLOOD ORDINANCE

Building Permitting and Enforcement Director Jeff Fisher reported that Ms. Wanda Anders has applied for and been denied a permit for a mobile home setup since she is proposing to put a mobile home in the flood way. It is a direct violation of the Flood Damage Prevention Ordinance to put any structures in the flood way without a no rise certification and furthermore, manufactured homes are not allowed at all but with one exception. The exception allows for additional mobile homes in an existing mobile home park. The Ordinance also allows for individuals to request a variance by appealing to the Board of Commissioners. Mr. Fisher noted the appeal process is very detailed in what is expected from the property owner. His recommendation would be to allow the variance if Ms. Anders obtained a no rise certification from an engineer and show that the placement of the mobile home does not affect any surrounding properties.

Ms. Anders addressed the Board. She said she purchased a mobile home for a family member and already moved the home onto the property, not realizing she needed to obtain a permit. She said it would place hardship on her to have to move it. Ms. Anders said she understands and is willing to do what is necessary to obtain the required permits with the Board's permission.

After Board discussion and consideration, **Commissioner Hawkins moved to approve the permit conditional upon Ms. Anders receiving a No Rise Certification, including support and tie down requirements conducted by an engineer, signed, dated and sealed. The motion was seconded by Commissioner Bullock and unanimously carried.**

OLD BUSINESS

SPACE NEEDS

Commissioners recently asked staff to resubmit the space needs report for the County. The Manager reviewed the various projects and the associated costs.

Animal Shelter	\$ 1,152,000
Renovation of the old Sheriff's Building	\$ 600,000
Subtotal	\$ 1,752,000

Commissioners recently held a special called meeting to discuss these specific projects.

Renovation of Old Jail	\$ 1,200,000
Renovation of Old Library	\$ 1,563,000
Subtotal	\$ 4,500,000

These two projects have been discussed in the past.

Administration Building for Board of Education	\$ 3,200,000
New Courthouse	<u>\$30,000,000</u>
Total	\$37,700,000

The County has approximately \$2.1 million in capital reserve. The County would have to borrow approximately \$35.6 million to complete all these projects. Assuming an interest rate of 4.5% for 15 years, and that 1 cent equals \$570,000, a 6 cents tax increase would be required to pay the debt service on the loan amount to complete all these projects. That Manager reminded Commissioners that \$700,000 was drawn from the fund balance to meet operational expenses this year.

The Manager reported there is money available to construct a new animal shelter and renovate the Sheriff's Building. He reviewed several other alternatives and the amount that would have to be borrowed and what the tax rate would have to be to in order to pay the debt service, noting that the debt service would be expensive. By moving forward with the first two projects, specifically the renovation of the Sheriff's Building, the County can provide desperately needed space to the Register of Deeds and Tax Offices and free up space in the Courthouse for court related functions.

Commissioner Bullock said he would prefer to revisit the issue of constructing a new courthouse which was recommended by the Rural Courts Commission. He said he feels the County can construct a facility much cheaper than what has been estimated. The Manager said a study committee has provided some figures on the amount of space needed for a new courthouse which would provide the space that is needed now with the ability to expand in the future. The current Courthouse is overcrowded and does not house all of the court functions that should be located there. In the mean time while Commissioners are making the decision about a new court facility, the Manager suggested moving forward with the renovation of the Sheriff's Building to provide immediate and permanent relief to the Register of Deeds and Tax Offices and free up space for the District Attorney, Clerk of Court, etc.

Commissioner Phillips requested a more fair assessment of what it would cost to build a new court facility. He also noted that one of the Courthouse Committee reports indicates that the general public would still like to continue utilizing the current Courthouse and could do so if the Register of Deeds and Tax Offices remain there. He also noted that moving the court functions out of downtown would free up much needed parking.

Commissioner Bullock said it would be helpful to find out what other counties have experienced.

Commissioner Hogsed would like for the Board to explore other alternatives and decide the best long term use for the current Courthouse, saying this decision will drive all the other space needs decisions.

Commissioner Hawkins suggested that the Board begin holding workshops to begin to seriously addressing these issues, prioritizing all of these projects and determining a way to pay for them.

Commissioner Hogsed announced that staff has entered into discussions with the Heritage Museum about the use of the old library as a possible location for the museum per his request at a previous meeting. **Commissioner Hogsed made a motion that the Board officially enter into negotiations with the Heritage Coalition and work with them to address their space needs issues for a museum. The motion was seconded by Commissioner Phillips.** Commissioner

Hogsed said his motion did not specifically include the library because the library may not be a suitable location for them. After comments, **the motion passed unanimously.**

Commissioners asked the Manager to obtain information from Clay County who recently built a nice new court facility at a much lower cost. Commissioners agreed to provide the Manager with information they would like to see in upcoming space needs workshops.

Commissioner Hawkins moved that the Board communicate information with the Manager and for the Manager to centralize the communication and use that information to set up a workshop in the month of October to begin the process of thinking about the space issues. The motion was seconded by Commissioner Philips and unanimously approved.

Commissioner Hogsed moved that the Board engage with a realtor to see what properties around the County may be available for the animal shelter in case the situation with Calvert falls through and have something to fall back on so the County can go ahead and start the process, with a deadline of December 1, 2009 of pinning down a location. The motion was seconded by Commissioner Bullock. Chairman Chappell said he believes this motion is premature since the Board has not yet met with the Town of Rosman to officially discuss the Calvert location. Commissioner Hogsed responded saying the need for this facility is urgent and looking for another location would be a safety net for the County. After further comments, **the motion passed 4 to 1, with Chairman Chappell voting against.**

RENOVATION OF THE OLD SHERIFF'S BUILDING

At a recent meeting, staff presented plans for the renovation of the old Sheriff's building for the Tax Offices and the Register of Deeds. The building will be vacated soon when the new Public Safety Facility is complete. This move will free up much needed space in the Courthouse for the District Attorney, Clerk of Court, and other court related personnel. The Manager requested authorization to go out for bids on this project.

Commissioner Phillips suggested waiting until after the space needs workshops are held to make a decision on the old Sheriff's Building. Commissioner Hawkins agreed.

Commissioner Hawkins moved to table this item until pending the discussion at the workshop, seconded by Commissioner Bullock and unanimously approved.

NEW BUSINESS CONTINUED

ESTABLISHMENT OF VETERANS DAY COMMITTEE

Commissioner Hogsed proposed establishing a Veterans Day Committee that would be responsible for developing a program to honor veterans on Veterans Day. The committee would be comprised of five to seven people, including the following:

- County Commissioner
- Chief Petty Officer Joe Parker (Retired)
- First Sergeant Frank Pearsall (Retired) (County Veterans Service Officer)
- George Poor (American Legion Honor Guard)
- One to three members of the public

Commissioner Phillips moved to authorize the establishment of a Veterans Day Committee with Commissioner Hogsed serving as Chair of the committee and authorized the

committee to appoint the remaining members. The motion was seconded by Chairman Chappell and unanimously approved.

RESOLUTION LOCAL ENERGY ASSURANCE PLANNING INITIATIVE

Since last year's fuel crisis, the Land-of-Sky Regional Council (LOSRC) has met with area managers and emergency services personnel to develop a plan of action should another crisis occur. As a result of those meetings, the City of Asheville has agreed to be the lead applicant in pursuing a \$210,000 grant from the Department of Energy Local Assurance Planning (LEAP) Initiative. The grant funds will go toward creating a regional emergency plan, a long range alternative fuel plan, and local government training curricula focused on fuel emergencies and alternative technologies.

This plan will also enable the region to better endure a fuel shortage without the interruption of vital services, such as law enforcement, emergency medical services, and fire and rescue services. The Manager noted that participation by counties is voluntary.

Chairman Chappell moved to approve Resolution 48-09 To Support Local Energy Assurance Planning Initiative and the letter of support. The motion was seconded by Commissioner Hogsed. Commissioner Phillips said he would like to be informed of the City of Asheville's strategies and their plans for the use of these tax dollars. The Manager said the funds will be used to develop a plan of action. **The motion passed 4 to 1, with Commissioner Phillips voting against.**

WESTERN HIGHLANDS NETWORK'S FISCAL MONITORING REPORT

Finance Director Gay Poor presented the Fiscal Monitoring Report from Western Highlands Network Local Management Entity for the period ending June 30, 2009 and highlighted the following:

- Compared to budget, the revenue came in a little over \$7 million under budget
- The big difference is the regular fees for services for Medicaid actual revenues did not meet projections; providers have 365 days to bill Medicaid for services
- Small negative variance on the service delivery funds; under budget
- Budgeted \$5 million in fund balance
- On expenditures, favorable to the budget by \$4.7 million which compensated somewhat for the favorable variance on the revenues
- Compared to last year the revenues are \$4.1 million less than FY 2008; expenditures are almost \$8 million more than last year
- End of result will be a reduction of approximately \$4 million in cash

The Manager added that the State has made significant cuts to mental health; although the needs of the community continue to rise. The LME Board will be meeting this week to determine how it is going to cut an additional \$5.9 million from their FY 2009-2010 budget per the Governor's request. He said the LME has been using its fund balance to continue to provide services and he foresees the LME coming to the counties to request funding in a couple of years if the mental health situation does not improve.

Commissioner Bullock moved to approve the Fiscal Monitoring Report for the quarter ending June 30, 2009, seconded by Commissioner Phillips and unanimously approved.

PROPOSED OPENING DATE FOR THE TRANSYLVANIA COUNTY PUBLIC SAFETY FACILITY

Staff recommends an official dedication day for the new Public Safety Facility for Saturday, November 7. During the week of November 2, staff will provide special tours of the building. Staff is currently working out the details of the dedication. The Manager reported that the Sheriff's Office and Emergency Services Offices will be open to the public beginning on Monday, November 9.

Chairman Chappell moved to approve the dedication date of November 7, 2009, seconded by Commissioner Phillips and unanimously approved.

INTERLOCAL AGREEMENT WITH THE TOWN OF ROSMAN

The Town of Rosman must approve a Flood Damage Prevention Ordinance or adopt the County's. The Board of Aldermen recently voted to adopt the County's Ordinance which the County will enforce in accordance with the interlocal agreement effective October 1, 2009.

Commissioner Bullock moved to accept the interlocal agreement with the Town of Rosman and authorized the Chairman to sign the agreement. The motion was seconded by Commissioner Hogsed and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- Staff continues to work on the final punch list for the Public Safety Facility. Staff will be meeting at the site tomorrow at 5:00 p.m. to correct an issue. Chairman Chappell and Commissioner Hogsed agreed to meet the Manager at the site as well.
- Staff continues to work on the planning for the dedication and tours of the new Public Safety Facility.
- Staff has been meeting with Davidson River Village about potentially swapping some property near the Pisgah Forest Convenience Center. Staff will meet with their representatives this week.
- Staff will be meeting with representatives from the NC Department of Transportation to discuss the bridge replacement in Pisgah Forest. They have requested some utility easements at the Pisgah Forest Convenience Center.
- The Manager thanked emergency staff for their work during the recent flooding. No state of emergency was declared so there will be no aid from the State. The American Red Cross and other local organizations have been a tremendous help to people in the community.
- The Manager and Chairman Chappell recently met with representatives of the Heritage Museum and toured the old library site. Staff needs to get an understanding of the Board's expectations before negotiations are made with the Heritage Museum.
- The Land-of-Sky Regional Council will be holding their annual banquet next Wednesday night at Taylor's Ranch in Henderson County. Commissioners should RSVP if they plan to attend so travel arrangements, etc. can be made.
- The Manager asked for direction from the Board about scheduling a joint meeting with the Town of Rosman. Commissioners discussed and said the location should not stand in the way of scheduling a joint meeting, but it was suggested that the meeting be held at the auditorium since the Town Hall building will not accommodate a large crowd. The Manager said he will move forward with trying to nail down a location in Rosman.

PUBLIC COMMENTS

Jack Hudson: Mr. Hudson thanked Commissioners for revisiting the space needs issues, specifically the Courthouse space. He encouraged the Board to make a decision. He believes the County will save money if they move forward quickly. Mr. Hudson also suggested that Commissioners include the Daggett presentation in their joint meeting with Rosman because the presentation was very convincing. Lastly, Mr. Hudson asked the Board not to forget about the Board of Elections in their space needs discussions.

Tim Petit: Mr. Petit asked why the animal shelter could not be built at the current landfill. He said the Town of Rosman is serious about building low income homes and possibly a community center, which can double as an emergency shelter. Mr. Petit noted that a study group recommended not putting animal waste in the sewer system, which is why the Town of Rosman is against putting the shelter at the Calvert site.

Kevin Jones: Mr. Jones said taking care of animals make good sense to him and the cost of the animal shelter appears to be the same at the cost of a new community park. He said it sounds like the animal shelter has a lot more momentum than the community park and he thinks the community park should become the priority.

COMMISSIONERS' COMMENTS

Commissioner Hogsed said the layout of the Calvert site did include the possibility of workforce housing and Commissioners are considering the possibilities.

Chairman Chappell congratulated the Clerk on her upcoming nuptials. He also reminded Commissioners of the Farm Bureau annual dinner on Saturday and Rosman Heritage Day on Saturday in Rosman.

Commissioner Phillips asked Commissioners to keep an employee in their prayers who was injured recently.

ADJOURNMENT

There being further business to come before the Board, **Commissioner Bullock moved to adjourn, seconded by Commissioner Phillips and unanimously carried.**

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board