

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
November 23, 2009 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, November 23, 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 Hogan.

Media: *Transylvania Times*: Mark Todd

There were approximately 25 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

There were no Agenda modifications.

Commissioner Bullock moved to approve the Agenda as submitted, seconded by Commissioner Hogsed 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 September 15, 2009 Special Meeting and the September 28, 2009 Regular Meeting were approved.

FACILITIES REQUESTS

The use of the Courthouse lawn and gazebo by the Salvation Army for the 2009 Kettle Campaign Kickoff on Friday, November 27, 2009 from 9:00 a.m. to 12:30 p.m. was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for October 2009 was approved.

PRESENTATIONS/RECOGNITIONSRECOGNITION OF CHARLES TOMPKINS

Charles Tompkins will retire from the Transylvania County Department of Social Services on December 1, 2009 with 19 years of service. Commissioners thanked Mr. Tompkins for his many years of service to Transylvania County and recognized him with a resolution.

Mr. Tompkins thanked the County and the Board of Commissioners for their support over the years.

Commissioner Hogsed moved to approve Resolution 54-09 In Recognition of Charles Tompkins, seconded by Commissioner Phillips and unanimously approved.

(Resolution 54-09 In Recognition of Charles Tompkins is hereby incorporated by reference and made a part of these Minutes.)

RECOGNITION OF 2009 RELAY FOR LIFE TEAM

The 2009 Transylvania County Relay for Life Team raised a total of \$6,562.40 and was recognized as the second highest fundraising team for 2009. To raise money, the Team sold "Cookies for Cancer", luminaries, bricks for a support wall, breast cancer awareness jewelry, and raffled a variety of prizes. Commissioners recognized the following team members and presented each with a certificate of appreciation:

Suzie Brown	Jeanne Lytle
Nancy Dermid	Brenda Morgan
Edna Hensley	Carla Owens
Louise Koontz, Team Leader	Sylvia Trujillo-Petit
Elizabeth Lilley	Sharon Yaste

RECOGNITION OF TRANSYLVANIA COUNTY FOOD AND NUTRITION SERVICES

The Transylvania County Food and Nutrition Services section of the Department of Social Services was recently awarded a Certificate of Accuracy for Outstanding Performance in the Quality Control Year October 2007 to September 2008 for 100% accuracy. Commissioners recognized and congratulated the following employees and thanked them for their hard work and dedication:

Tamesha Bagley	Pam Anders
Susan Brown	Miranda Pierson
Stacey Taylor	Louise Norton
Sherry Shelton	Lorene Harris
Sharon Bradham	Jeanne Uchno
Sandra Majewski	Gilda Woodbury

Commissioners also gave a special thanks to Social Services Director Stoney Blevins and Supervisor of the Food and Nutrition Services Program Jeanine Verhaeghe.

APPOINTMENTS

PARKS COMMISSION

Commissioner Hawkins moved to appoint Nancy Iha to fill one of the vacancies, seconded by Commissioner Bullock and unanimously approved.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Phillips moved to appoint Jacob Crabtree to fill one of the student vacancies, seconded by Commissioner Bullock and unanimously approved.

OLD BUSINESS

REQUEST TO ROSMAN ALDERMEN TO CLARIFY POSITION ON UTILITIES

At a previous meeting, Commissioner Hawkins proposed making a formal request to the Town of Rosman regarding their position on providing water and sewer utilities to the Calvert site for a new animal shelter. Staff is currently exploring other site alternatives at the request of Commissioners.

Commissioner Hawkins said the approach he would take if he were a private property owner would be to formally request the Town of Rosman to state their position. He presented a draft letter for the Board's consideration. The letter also asks Town officials what uses they would allow utilities for, specifically if they deny utilities for a new animal shelter. Commissioner Hawkins said the Town does not currently have a policy on what is allowed and what is not.

Chairman Chappell asked Commissioners to decide whether or not they want to send an official request since the Town has yet to take official action on this matter. He believes the letter presented by Commissioner Hawkins is appropriate.

Commissioner Hawkins made a motion to submit the letter as proposed to the Town of Rosman asking for clarification on the policy or the County's Calvert property. The motion was seconded by Commissioner Bullock. Commissioner Hogsed said he is not supportive of sending the letter because he believes the Town of Rosman has made their position clear. He expressed concern about the feelings the letter may create between the two Boards. Chairman Chappell concurred with Commissioner Hogsed but said the letter is appropriate because it addresses future uses of the site. Commissioner Phillips also agreed with Commissioner Hogsed's comments. He said any letter sent to the Town of Rosman should not address the animal shelter, only clarification about future uses of the property for which they would extend utilities. Commissioner Bullock agreed with Commissioner Phillips and said the motion should be amended. Commissioner Hawkins stressed the importance of getting clarification on the animal shelter issue because if utilities are allowed on the site, it is certainly a site the County will consider. Commissioner Bullock said the letter should ask for clarification on the allowed uses and noted that a response from the Town will probably explain why it can not be used for an animal shelter. **Commissioner Bullock withdrew his second to the motion.**

Commissioner Hogsed made a motion to send a letter to the Town of Rosman asking for clarification on the uses of the property. The motion was seconded by Commissioner Phillips. Commissioner Hawkins said it is important to ask for the rationale or criteria that are used for determining which sites/uses are acceptable and which sites/uses are not acceptable for extension of utilities. Commissioner Bullock commented that they do have criteria for what purposes they will allow for their sewer system. He said by sending this letter, the Town should reveal that information to the County. Commissioner Hogsed suggested that the letter also note

that the Board has heard their concerns about the animal shelter and wants to clarify uses for other future projects. **The motion passed by a vote of 4 to 1, with Commissioner Hawkins voting against.**

COMMUNITY PARK

At the direction of the Board, the Manager recently met with representatives from McGill Associates to discuss the next steps in Phase 1 of the construction of a community park near Rosman. The Manager noted that the Board of Education has also expressed an interest in the project. They would like to see if additions could be made to the project that could help the school system.

The estimated costs provided by McGill Associates are as follows:

Flood Study in pursuit of no rise certificate	\$15,000
Erosion Control and Grading Plan	\$18,200
<u>Estimated Fee DENR, No Rise, Printing</u>	<u>\$ 3,000</u>
Total	\$36,000

The Manager asked for direction from the Board about arranging a meeting with the Board of Education to discuss the school system's proposal and possible funding sources. He said if the project moves forward without considering the Board of Education's proposal, any future changes to the project could be costly. After meeting with the Board of Education, staff can bring back potential plans to the Board of Commissioners at a future date. Also, any changes to the proposed design affect the no rise certification and erosion control plan.

After some discussion, Commissioners agreed that it would be useful to find out more information from the Board of Education and how they could benefit from the community park. The Manager noted that additional funds would need to be appropriated for the additional architectural services if necessary.

Commissioner Phillips moved to authorize staff to meet with school officials and explore other ideas for the community park and to appropriate up to \$5,000 in additional funds to be used in the investigation. The motion was seconded by Commissioner Hogsed and unanimously approved.

Commissioners instructed staff to schedule a meeting with school officials as soon as possible.

NEW BUSINESS

QUALIFIED SCHOOL CONSTRUCTION BONDS – INSTALLMENT FINANCING AGREEMENT

In July 2009 Commissioners authorized the Board of Education to apply for funding via Qualified School Construction Bonds (QSCB) in the amount of \$1.3 million to construct a new Career and Technical Education facility at Rosman High School, based on the premise that the bonds would be issued at zero percent interest with a payback over 12 years. The two Boards agreed to split the cost of the debt payment for the new facility, estimated at an annual cost of \$108,148. The Board of Education's payment would come from a \$54,000 reduction in their capital outlay.

The Manager noted that many counties are having difficulties issuing the QSCB's and as such, due to the exorbitant cost of bond issuance, the Local Government Commission recommends that Transylvania County use an Installment Financing Agreement method to finance the project.

This means that the bonds would be paid back with some interest; however no bond counsel fees would be incurred. The Manager explained that a lending institution may finance the bonds at an 8% return; however when the County goes to the sell the bonds, the Local Government Commission may only be allowed a 6% tax credit and therefore the County would be responsible for paying the 2% interest. The costs would not be incurred until the date of the closing.

The first step in the process is for Commissioners to authorize staff to issue a Request for Proposal (RFP) to financial institutions. Finance Director Gay Poor has interviewed local banks and only one bank is interested in financing the bonds at this time, which is BB&T. In talking with the Local Government Commission, they suggested foregoing the RFP process since no other institutions have expressed an interest. The Local Government Commission, along with the Board of Commissioners, has to approve the financing agreement. The Manager requested authorization to begin negotiations with BB&T and to schedule a Public Hearing for Monday, December 14, 2009, at which time staff would bring back the application and a financing arrangement for the Board's approval. The Manager also asked Commissioners to approve Resolution 55-09 which is required as part of the application process. Staff will have more information for Commissioners once negotiations begin with BB&T. Staff needs to be able to move forward according to the schedule so the Local Government Commission can review and approve the agreement at their meetings in January and February. After this process, the Board of Education can start work on the project.

Commissioners had originally agreed to a financing plan for the project submitted by the Board of Education under the premise that the bonds would be issued at 0% interest. They agreed that the issue should be revisited since the financing plan has changed. They further agreed that an understanding and agreement needs to be made with the Board of Education regarding how the additional funds will be repaid. The Manager said staff will not proceed without approval from Commissioners and, if necessary, Commissioners can meet with the Board of Education as soon as possible. After further comments, Commissioners agreed to move forward with negotiations with BB&T and in the interim for the Manager to begin discussions with Superintendent Jeff McDaris about meeting with the Board of Education as soon possible.

Commissioner Hawkins moved to approve Resolution 55-09 and authorize staff to work with BB&T on a financing agreement and to schedule a Public Hearing for Monday, December 14, 2009. The motion was seconded by Commissioner Bullock and unanimously approved.

(Resolution 55-09 Authorizing the Filing of An Application For Approval of A Financing Agreement Authorized by North Carolina General Statute 160A-20 is hereby incorporated by reference and made a part of these Minutes.)

WESTERN HIGHLANDS NETWORK'S FIRST QUARTER 2009-10 FISCAL REPORT

Finance Director Gay Poor presented the Fiscal Monitoring Report from Western Highlands Network Local Management Entity for the period ending September 30, 2009. She reported that both revenues and expenditures are down from the previous year and for the first quarter of FY 2009-10, Western Highlands is showing a lost of approximately \$405,000.

Commissioner Hogsed moved to accept the First Quarter 2009-10 Fiscal Report from Western Highlands Network, seconded by Commissioner Phillips and unanimously approved.

UPDATE ON THE TRANSYLVANIA COUNTY SESQUICENTENNIAL CELEBRATION

Commissioner Hawkins serves as Chair of the Transylvania County 150th Anniversary Steering Committee and he updated Commissioners on their progress. The Steering Committee formed in September 2009 and is comprised of 24 members from across the community. Thus far, the Committee has met biweekly and they have been working to set up structures and processes. The Committee developed the following Mission Statement and set of objectives:

MISSION STATEMENT

“We will commemorate Transylvania County’s Sesquicentennial with celebration and education, highlighting our rich history, creating an enhanced sense of place and of community, and looking to the future with hope and optimism.”

OBJECTIVES

- Achieve broad participation from residents, businesses, organizations and institutions
- Facilitate programs and events that stimulate an interest in local history and its preservation
- Produce events and activities that are fun and build community
- Explore the diversity of our culture
- Celebrate the arts
- Strengthen our appreciation of the area’s natural resources and our quality of life
- Recognize our distinctive communities
- Create a lasting legacy through print, visual, musical and other reminders

The structure and scope of activities will be year long and will have a defined beginning and defined ending, similar to an Olympics model. The year long celebration will be a combination of existing and new activities and events. The current calendar consists of 72 existing events.

The Steering Committee has self-divided into specific areas of interest that will work together over the next year and on into 2011. The Committee plans to hold public input meetings in January and task groups should begin bringing back recommendations to the Steering Committee in mid-February. In late February, the Steering Committee will begin making funding decisions and planning specific events. Commissioner Hawkins announced that help is needed in the following areas: Task Force Work, Community Center Involvement, Faith Community, and Historic/Publications.

MANAGER’S REPORT

The Manager reported the following:

- Requested to schedule a special meeting on Monday, December 7, 2009 at 7:00 p.m. for the purposes of holding a Public Hearing on a Community Development Block Grant for Gaia Herbs
- Requested to schedule a special joint meeting with the Planning Board on Tuesday, December 15, 2009 at 7:00 p.m. to discuss their recommendations regarding the Pisgah Forest Corridor
- A reception is scheduled for December 10, 2009 from 6:00 p.m. to 8:00 p.m. at the Silvermont Mansion honoring City Clerk Glenda Sansosti who is retiring
- The Elected Officials Breakfast is scheduled for December 10, 2009 at 7:45 a.m. at the Chamber of Commerce
- Staff is working on their budgets and have been instructed to keep operational expenses at 0% other than utilities and fuel; only critical capital needs will be considered

- The Rural Transportation Planning Organization agreed to revisit the Transylvania County Comprehensive Transportation Plan in light of the addition of the connector road for Davidson River Village; they believe it will be helpful to the NC Department of Transportation

PUBLIC COMMENT

Tim Petit: Mr. Petit agreed with the Manager about the importance of meeting with the Board of Education to discuss how the community park can help the school system and the children in the community. He also urged Commissioners to move forward with applying for grant funds and committing to any necessary matching funds.

COMMISSIONERS' COMMENTS

It was announced that Board of Education member Sheila Norman was recently elected to the North Carolina School Boards Association which is very important to the County and the entire region. Commissioners instructed staff to draft a resolution congratulating Ms. Norman on this honor.

Commissioner Phillips thanked staff for purchasing a new microphone for use by the public during the meetings.

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

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board