

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
May 10, 2010 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, May 10, 2010 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 20 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

Ken Norman: Mr. Norman thanked the Board of Commissioners on behalf of himself and the citizens of Pisgah Forest for their work on the proposed Pisgah Forest Community Zoning Ordinance and for being a proponent of personal property rights. He encouraged the Board to pass the proposed Ordinance so they can manage the area in Pisgah Forest and the citizens can have a voice in their government.

AGENDA MODIFICATIONS

The Manager reported on the Agenda modifications. He requested to add Item E EMS Week Proclamation May 16 – 22, 2010 under New Business and move the Manager's Report to Item F.

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

CONSENT AGENDA

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

The following items were approved:

MINUTES

The minutes of the April 6, 2010 special meeting, the April 12, 2010 regular meeting and sealed closed session, and the April 26, 2010 regular meeting and sealed closed session were approved.

FACILITIES USE REQUESTS

The use of the front lawn at Silvermont by the Transylvania County Humane Society for their annual pet show on July 4, 2010 from 8:00 a.m. to 12 noon was approved.

APPOINTMENTS

AGRICULTURAL ADVISORY BOARD

Commissioner Hogsed moved to appoint Shelley Heath to replace Harold Paxton, seconded by Commissioner Bullock and unanimously approved.

Commissioner Phillips moved to reappoint Dale Robertson as Chair for 2010, seconded by Commissioner Hogsed and unanimously approved.

OLD BUSINESS

PISGAH FOREST COMMUNITY ZONING ORDINANCE

Commissioners held a public hearing at their April 26, 2010 regular meeting and all comments from the public were in favor of moving forward with the proposed ordinance. The public hearing was properly advertised and first class mail notices were sent to property owners in the affected area, as well as to adjacent property owners. Commissioners asked that this item be placed on the agenda for action at this meeting.

Commissioner Hogsed thanked the members of the community for the time and effort they put into this process. He also thanked the Planning Board and Planning Department staff for drafting what he believes is a good ordinance that does not overstep ordinances that are already in place.

Chairman Chappell inquired about the financial impact of implementing the proposed ordinance. Planning Director Mark Burrows reported there would be minimal impact as far as the budget is concerned and said the Planning Department should be able to accommodate any of the work involved with existing staff. County Planner Mike Thomas added that there will be a fair amount of administrative items to complete over the couple of months, the biggest being training the Board of Adjustment (BOA). Staff will be asking the Board of Commissioners to select alternate members to the BOA in order to ensure a super majority, a requirement of BOA's when making quasi-judicial rules. Training will be required and the cost should be nominal. Mr. Thomas also noted some small cost with making the zoning map official. The largest cost will probably come during BOA hearings because the County Attorney is required to attend those meetings.

In response to a question from Chairman Chappell, Mr. Thomas reported that the proposed zoning map has been corrected. There was an error noted at the previous meeting.

In response to a question from Commissioner Hawkins, Mr. Thomas noted that the effective date of August 1, 2010 allows staff to prepare for implementation and make sure the BOA members have received the necessary training.

Chairman Chappell said it is important to note that this process began because citizens in Pisgah Forest asked the County for help. He also stressed his opposition to countywide zoning. Chairman Chappell said he will be supporting the proposed zoning ordinance because citizens who live in a zoned district should be able to vote for those that control them. Although he opposes zoning and believes in personal property rights, he believes this is the best way for the citizens of Pisgah Forest to have representation.

Commissioner Phillips said during this process it was the Board's duty to exhaust every possibility before arriving at a final conclusion. He thanked the citizens for attending the meetings and for giving Commissioners an opportunity to learn what they want. He also believes moving forward is the best option for the citizens of Pisgah Forest.

Commissioner Hawkins thanked the members of the Planning Board and Planning Department staff who worked so hard on this process. He thanked them for serving as an example to the Board of Commissioners by putting aside their personal beliefs about zoning and personal property rights and making a solid recommendation to help the citizens of Pisgah Forest. Commissioner Hawkins asked the Board of Commissioners to consider this in the future if other groups bring forth a similar request or issue.

Commissioner Bullock thanked everyone involved for going above and beyond the call of duty to put forth a plan that is satisfactory to the County, the City of Brevard, and the citizens of Pisgah Forest. He is supportive of moving forward.

After further comments, **Commissioner Hawkins moved to approve the Pisgah Forest Community Zoning Ordinance with an effective date of August 1, 2010. The motion was seconded by Commissioner Bullock and unanimously approved.** The ordinance was passed in conjunction with the proposed Pisgah Forest Community zoning map dated April 28, 2010, and it was noted earlier that all corrections have been made.

NEW BUSINESS

REQUEST FROM CEDAR MOUNTAIN FIRE RESCUE

The NC Office of the State Fire Marshal is taking applications for a 50/50 matching grant for local fire departments. Cedar Mountain Fire Rescue has made application for the matching grant to obtain needed equipment. They are requesting \$11,500 in reserve funds to help meet the required match. There are sufficient funds in the reserve account to meet this request.

Operations Director David McNeill has been working with the department on their future needs. Mr. McNeill said this grant will help them get some equipment they need and will offset future expenditures. He also noted that some of the equipment they plan to purchase will be replacement equipment. The remaining will be new equipment which should improve their ISO rating in the future.

Commissioner Bullock moved to approve Cedar Mountain Fire Rescue's request for the County to appropriate \$11,500 to them to use towards a matching grant, seconded by Commissioner Hogsed and unanimously approved.

REQUEST FROM HABITAT FOR HUMANITY

Habitat for Humanity has just broken ground on two new homes. A major source of their fundraising comes from their Thrift Store. They own a parcel of land on Ecusta Road on which they plan to build a new store; however the parcel is located in the flood plain and must be raised above the flood plain level in order to build upon it. The County still has excess dirt remaining from the construction of the Public Safety Facility and Habitat for Humanity has made a request to the County to use approximately 10,000 cubic yards of fill dirt from the site to use for their project.

The Manager noted this would equate to a \$20,000 donation to Habitat for Humanity, assuming the fill dirt was sold at \$2 per cubic foot. Habitat officials plan to move the dirt as soon as

possible at the direction of the County. Commissioners agreed that this is a good opportunity to help a nonprofit organization in the community.

Commissioner Phillips moved to authorize Habitat for Humanity to have 10,000 cubic yards of dirt with the understanding they must provide their own loading and trucking and landscape and sow the areas down at the Public Safety Facility after getting the dirt. The motion was seconded by Commissioner Hogsed and unanimously approved.

ARMED FORCES EMPLOYER PARTNERSHIP

The local United States Army Reserve Center has been chosen as the second Army Strong Community Center to open in the country. The center will be dedicated at 9:00 a.m. on Saturday, May 15, 2010. They have requested that Transylvania County become an employer partner with the Armed Forces Partnership Program and plan to make the announcement during the dedication ceremony. The Manager reported that the City of Brevard plans to participate as an employer partner. Becoming an employer partner requires no obligation from the County and there is no cost to the County for participating. Representatives of the Community Center will gather information regarding County job postings from the Employment Security Office and post them at their Center in the hopes that any job opportunities would be made available to anyone serving in or retired from the Armed Forces. They have requested that either a Commissioner or the Manager be present during the dedication ceremony to sign the agreement.

Chairman Chappell will be attending the dedication ceremony and will sign the agreement on behalf of the County.

Commissioner Hogsed moved to approve Transylvania County becoming an Armed Forces Employer Partner and authorize the Chairman to sign the agreement at the May 15 dedication ceremony. The motion was seconded by Commissioner Bullock and unanimously approved.

RESOLUTION COMMEMORATING MEMORIAL DAY

Joe Parker has requested that the Board approve a covenant between Transylvania County and the Armed Forces community recognizing the sacrifices and commitment of veterans and supporting and promoting efforts of the Armed Forces Community Program. If approved, Mr. Parker plans to have the covenant framed and read and presented at the Memorial Day ceremony on May 28, 2010.

Commissioner Hogsed moved to approve Resolution 16-10 A Covenant Between Transylvania County and Our Armed Forces Community. The motion was seconded by Commissioner Bullock. Chairman Chappell expressed his appreciation to Mr. Parker for bringing this forward for the Board's consideration. **The motion was unanimously approved.**

(Resolution 16-10 A Covenant Between Transylvania County and Our Armed Forces Community is hereby incorporated by reference and made a part of these minutes.)

EMS WEEK

The week of May 16 - 22, 2010 is Emergency Medical Services Week. The theme for 2010 is *EMS: Anytime, Anywhere, We'll Be There.*

Commissioner Hogsed moved to approve Proclamation 17-10 Designating the Week of May 16 – 22, 2010 as Emergency Medical Services Week. The motion was seconded by Commissioner Bullock. Commissioners thanked all those emergency personnel who risk their

lives and take time from their own lives, families and jobs for the benefit of others. **The motion was unanimously approved.**

(Proclamation 17-10 Designating the Week of May 16 – 22, 2010 as Emergency Medical Services Week is hereby incorporated by reference and made a part of these minutes.)

MANAGER'S REPORT

The Manager reported the following:

- Staff was contacted by the NC Department of Transportation to schedule the Secondary Roads Meeting with the Board of Commissioners. They offered two dates: Monday, June 14, 2010 at 2:00 p.m. or Tuesday, June 15, 2010 at 2:00 p.m. The Manager asked Commissioners to contact him or the Clerk regarding which date works best for them.
- The North Carolina Association of County Commissioners is holding its annual County Assembly Day in Raleigh on May 19, 2010. If Commissioners are interested in attending they should notify the Clerk so she can register them for the meeting.
- The Manager and Operations Director David McNeill recently met with representatives from Schenck Job Corps in reference to utilizing their students to help the County with some of its activities. They committed to supplying the County with two students per day to help with grass mowing, etc.
- The Manager has been working with Senator Snow and Representative Guice about introducing a resolution in recognition of the County's 150th anniversary in 2011. The deadline to submit bills for the short session is this week. Staff has been working on a draft resolution which must include some specific information. The Manager requested permission to proceed with sending the resolution to Representative Guice. He will email the draft resolution to them and asked the Board to submit their comments. **Chairman Chappell moved to authorize the Manager to send the resolution to the County's representatives for approval during the General Assembly's short session, seconded by Commissioner Hogsed and unanimously approved.**

PUBLIC COMMENT

Steve Owen: Mr. Owen thanked the Board of Commissioners for listening to their constituents and setting aside their personal views to help the citizens of Pisgah Forest. He said the citizens of Pisgah Forest will now have the ability to vote for those that regulate them. Mr. Owen also noted that the City will have to ask the County for permission to extend its ETJ in the future.

Mike Ansari: Mr. Ansari said the citizens of Pisgah Forest would rather be regulated by the County than the City and he thanked the Board for their vote. He inquired about future regulation by the City. Commissioners responded that the City has the authority to extend its city limits, but must request permission from the County to extend its ETJ.

Ken Norman: Mr. Norman thanked Commissioners for voting to approve the Ordinance and said he looks forward to working with the County in the future.

COMMISSIONERS' COMMENTS

Commissioner Hogsed again thanked the citizens of Pisgah Forest for their hard work and efforts. He also thanked members of the Planning Board and the Board of Commissioners for honoring the will of the people, given their choices.

Commissioner Bullock also thanked the citizens of Pisgah Forest for working with the County during this process.

Commissioner Phillips spoke in reference to a recent editorial in the *Transylvania Times* about the County's upcoming budget sessions with the Board of Education. He said the editorial painted a picture of an adversarial relationship between the two Boards. Commissioner Phillips emphasized that both Boards have worked well with each other over the years and it was irresponsible for the *Transylvania Times* to print something in this manner that will be read by members of the public.

Commissioner Hogsed agreed saying the Board of Commissioners appropriates funds to the Board of Education and as a sovereign Board they can spend the funds as they see fit. He suggested both Boards send a joint letter to the *Transylvania Times* explaining that the controversy between the two Boards does not exist.

Commissioner Hawkins believes the comments in the editorial came following a Board of Education meeting. He noted that sometimes there is tension between such Boards because of the capacity in which they serve, but that does not mean they are not working together.

Chairman Chappell noted the editorial encouraged taxing authority for local Boards of Education. He believes this would be detrimental to the community, but noted that the County has no say in that. Only the NC General Assembly has the authority to approve a local board for taxing authority.

Commissioner Bullock commented that some of the frustration comes from one elected Board having to ask another elected Board for funding.

ADJOURNMENT

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

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board