

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
December 13, 2010 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, December 13, 2010 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Larry Chapman, Jason Chappell, Chairman 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: *Hendersonville Times News* – Leigh Kelley
The Transylvania Times – Mark Todd

There were approximately 25 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:05 p.m.

WELCOME

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

PUBLIC COMMENT

Vicki Walker: Ms. Walker expressed concern about the City of Brevard contracting to provide its own animal control and suggested holding off on the construction of the County's new animal shelter because she believes the City's decision will affect the number of animals housed there. She also urged the Board to consider a spay and neuter ordinance to reduce the stray population.

Gerry Hunsicker: Mr. Hunsicker reported that a representative from the NC Department of Environment and Natural Resources recently met with him at his home to hear his concerns about the potential reclassification of Boylston Creek. He said the battle to stop the reclassification is ongoing and he thanked Commissioners for their continued support.

AGENDA MODIFICATIONS

Chairman Hawkins requested to remove Item VI.F Smart Start-Commissioner Appointment under Appointments.

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

CONSENT AGENDA

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

The following items were approved:

MINUTES

The minutes of the November 22, 2010 regular meeting and two sealed closed sessions and the December 6, 2010 Oath of Office Ceremony and Organizational Meeting were approved.

FACILITIES USE REQUESTS

The use of Varsity Street Parking by the Unitarian Universalists of Transylvania County on Sundays in 2011 from 9:00 a.m. to 12:30 p.m. was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for November 2010 was approved.

CANCELLATION OF THE 2ND MEETING IN DECEMBER

The cancellation of the December 28, 2010 Board of Commissioners' meeting was approved.

PRESENTATIONS/RECOGNITIONSRESOLUTION IN RECOGNITION OF ROSMAN HIGH SCHOOL LADY TIGERS VOLLEYBALL TEAM

This past volleyball season the Rosman High School Lady Tigers finished the Smoky Mountain Conference with a 14-0 record. They won the Smoky Mountain Conference Tournament and finished runner up for the second straight year in the 1-A State Championship. The Lady Tigers finished the season with an outstanding record of 27 wins and 2 losses. Commissioners congratulated the Lady Tigers on an outstanding season and for being great representation of sportsmanship and ambassadorship for Transylvania County. Commissioners presented a resolution in recognition of the team's year to Assistant Coaches Mary Ramey and Amanda McCall.

Commissioner Chappell moved to approve Resolution 54-10 In Recognition of the Rosman High School Lady Tigers Volleyball Team, seconded by Commissioner Phillips and unanimously approved.

(Resolution 54-10 In Recognition of the Rosman High School Lady Tigers Volleyball Team is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION IN RECOGNITION OF ROSMAN HIGH SCHOOL LADY TIGERS VOLLEYBALL COACH MILDRED POWELL

Rosman High School Volleyball Coach Mildred Powell has announced her retirement after 19 seasons. During her tenure, the Lady Tigers have won 1 State Championship, and for the last 2 has led the Lady Tigers to the State 1-A Volleyball finals finishing runner up both times. Her teams have won 7 Smoky Mountain Conference titles and have made the State 1-A tournament for 19 years. Under Ms. Powell's leadership her teams have compiled 388 wins and 109 losses which is an outstanding 78.1% winning percentage.

Commissioners congratulated Ms. Powell for her service and dedication to Transylvania County Schools and the young ladies she has coached over her career and wished her the best in her retirement. Ms. Powell was unable to attend the meeting due to a scheduling conflict. Chairman Hawkins presented the resolution to Assistant Coach Amanda McCall.

Commissioner Phillips moved to approve Resolution 55-10 In Recognition of Rosman High School Lady Tigers Volleyball Coach Mildred Powell, seconded by Commissioner Chapman and unanimously approved.

(Resolution 55-10 In Recognition of Rosman High School Lady Tigers Volleyball Coach Mildred Powell is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION IN RECOGNITION OF DEE DEE PERKINS AS RETAILER OF THE YEAR

Each year Transylvania County recognizes four businesses in the community. On October 25, 2010, the Economic Development Advisory Board held a special service at the Library in recognition of those award winners for 2010. Dee Dee Perkins, the owner of D. D. Bullwinkel's General Store, Rocky's Grill & Soda Shop, and Moose Tracks, was the recipient of the Retailer of the Year Award. Ms. Perkins was unable to attend the meeting. Staff will hand deliver the resolution to her.

Commissioner Chappell moved to approve Resolution 49-10 In Recognition of Dee Dee Perkins as Retailer of the Year, seconded by Commissioner Chapman and unanimously approved.

(Resolution 49-10 In Recognition of Dee Dee Perkins as Retailer of the Year is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION IN RECOGNITION OF MARK PEDDY AS ENTREPRENEUR OF THE YEAR

Each year Transylvania County recognizes four businesses in the community. On October 25, 2010, the Economic Development Advisory Board held a special service at the Library in recognition of those award winners for 2010. Mark Peddy, owner of Brighter Day Coffee, the UPS Store, Tan 360, Co-Ed Cinema, and Quotations Coffee Shop, was the recipient of the Entrepreneur of the Year Award.

Commissioner Chappell moved to approve Resolution 50-10 In Recognition of Mark Peddy as Entrepreneur of the Year, seconded by Commissioner Phillips and unanimously approved.

(Resolution 50-10 In Recognition of Mark Peddy as Entrepreneur of the Year is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION IN RECOGNITION OF DAVID AND MAUREEN WATKINS AND KEIR MANUFACTURING AS MANUFACTURER OF THE YEAR

Each year Transylvania County recognizes four businesses in the community. On October 25, 2010, the Economic Development Advisory Board held a special service at the Library in recognition of those award winners for 2010. David and Maureen Watkins, owners of KEIR Manufacturing, were the recipients of the Manufacturer of the Year Award.

Commissioner Hogsed moved to approve Resolution 51-10 In Recognition of David and Maureen Watkins and KEIR Manufacturing as Manufacturer of the Year, seconded by Commissioner Chappell and unanimously approved.

(Resolution 51-10 In Recognition of David and Maureen Watkins and KEIR Manufacturing as Manufacturer of the Year is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION IN RECOGNITION OF ROGER PETIT AS THE RECIPIENT OF THE CHAIRMAN'S CHOICE AWARD

Each year Transylvania County recognizes four businesses in the community. On October 25, 2010, the Economic Development Advisory Board held a special service at the Library in recognition of those award winners for 2010. Roger Petit, owner of a paint and body shop on Old Rosman Highway, was the recipient of the Chairman's Choice Award. Mr. Petit was unable to attend the meeting. Staff will deliver the resolution to him.

Commissioner Chappell moved to approve Resolution 52-10 In Recognition of Roger Petit as the Recipient of the Chairman's Choice Award, seconded by Commissioner Hawkins and unanimously approved.

(Resolution 52-10 In Recognition of Roger Petit as the Recipient of the Chairman's Choice Award is hereby incorporated by reference and made a part of these minutes.)

APPOINTMENTS

BOARD OF HEALTH

Commissioner Hogsed moved to reappoint Dr. PJ Boatright and Linda Schieve, and waive the term limits and reappoint Mark Creasman and Dr. Ora Wells. The motion was seconded by Commissioner Phillips and unanimously approved.

BOARD OF EQUALIZATION AND REVIEW

Commissioner Chappell moved to reappoint Claudia Hawkins and William Wallace to additional terms, seconded by Commissioner Hogsed and unanimously approved.

BREVARD PLANNING AND ZONING

Commissioner Hogsed moved to reappoint Richard Kimsey Jackson and to appoint Dan Brightwell. The motion was seconded by Commissioner Chapman. The motion failed 3 to 2.

Commissioner Phillips moved to reappoint Gary Daniel and Richard Kimsey Jackson to additional terms. The motion was seconded by Commissioner Chapman and passed by a vote of 4 to 1.

CRIMINAL JUSTICE PARTNERSHIP

Chairman Hawkins moved to appoint Commissioner Larry Chapman to replace former County Commissioner Lynn Bullock, seconded by Commissioner Chappell and unanimously approved.

JUVENILE CRIME PREVENTION COUNCIL

Chairman Hawkins moved to appoint Commissioner Larry Chapman to replace former County Commissioner Lynn Bullock, seconded by Commissioner Chappell and unanimously approved.

LAND-OF-SKY REGIONAL COUNCIL-RURAL PLANNING ORGANIZATION, TRANSPORTATION ADVISORY COMMITTEE

Commissioner Chappell moved to appoint Chairman Hawkins to replace former County Commissioner Lynn Bullock, seconded by Commissioner Hogsed and unanimously approved.

OLD BUSINESS

HEADWATERS TRACT POTENTIALLY BECOMING STATE OWNED GAME LANDS

The Board of Commissioners held a public hearing on November 22, 2010 to gather public input about the primary use of an 8,000 acre headwaters tract in the East Fork area of the County bordering the South Carolina state line. The intended use of the property is for hunting, fishing and other recreation purposes. Several people spoke during the public hearing and all were favorable for supporting the acquisition of the property by the State and the intended use of the property. The North Carolina Wildlife Resources Commission has requested the Board of Commissioners submit a letter of support.

Commissioner Phillips moved to approve the letter to the North Carolina Wildlife Resources Commission, seconded by Commissioner Chappell and unanimously approved.

NEW BUSINESS

1915 (b) (c) MEDICAID WAIVER – WESTERN HIGHLANDS AREA AUTHORITY

Western Highlands Area Authority serves as the Local Management Entity (LME) for behavioral, developmental, and substance abuse services in the eight county region consisting of Buncombe, Henderson, Madison, Mitchell, Polk, Rutherford, Transylvania and Yancey Counties. House Bill 2436 requires the Department of Health and Human Services (DHHS) to study Medicaid Waivers for all LME's. The study indicated that the waiver would allow for a capitated managed care system to be developed which would provide for stable and predictable Medicaid expenditures. DHHS has designated Western Highlands LME as the next expansion site for the 1915 (b) (c) Medicaid Waiver project. The Manager reviewed the pros and cons of the Medicaid Waiver as follows:

Pros

Consumers:

- Resources can be used more flexibly to create and modify services to address local needs
- Local authorization of services
- Utilization of more integration of primary healthcare with behavioral health
- Increased option to better self-determination and provider selection
- Allows for some opportunities for employment as peer specialists

Providers:

- Local LME can respond to concerns about claims and authorizations
- Flexibility and resources to develop specialized services to meet local needs
- Opportunities to increase quality of care via a shared reward system
- Input into benefit plans

Cons

Consumers:

- Could mean a change to a different provider if the provider is not selected as part of the network
- Not all Medicaid recipients will be included in the network

Providers:

- Replaces “any willing and able provider” by allowing the LME to “close” its network of providers
- Network can be “right sized” to assure the right services are available for the right person at the right time

The Manager discussed the financial risk. Under the Medicaid Waiver, the LME would receive an agreed upon amount of funds by the State for each covered member per month from which all services are paid. Since Western Highlands authorizes services and pay claims, the LME becomes at risk for costs exceeding the agreed upon amount of funding allocated by the State. Given the higher risk, the State will allow 2% of the projected Medicaid payment per year to be set aside in a Risk Reserve until the amount reaches 15%.

If the LME overspends the amount allocated by the State, the LME Board would have to make adjustments in the services, rates, etc. or draw down funds from the Risk Reserve. The Manager believes the county managers serving on the LME Board would ensure that the LME stays within its appropriated amount of funds.

The Manager noted that both Pardee Hospital in Henderson County and Mission Hospital in Buncombe County are supportive of the waiver. Transylvania Regional Hospital will not be affected. He also noted

that the Boards of Commissioners in the region have supported or plan to support this effort. The Manager and Health Director Steve Smith recommended moving forward with the support of this effort.

Commissioner Chappell moved to approve Resolution 56-10 In Support of the Western Highlands Area Authority Medicaid 1915 (b) (c) Waiver Project. The motion was seconded by Commissioner Phillips and unanimously approved.

(Resolution 56-10 In Support of the Western Highlands Area Authority Medicaid 1915 (b) (c) Waiver Project is hereby incorporated by reference and made a part of these minutes.)

ENVIRONMENTAL HEALTH – REQUEST TO EXPAND WATER SAMPLING/ANALYSIS FOR EXISTING WATER SUPPLIES

The Transylvania County Board of Health requests to expand water sampling to existing wells and water supplies. Health Director Steve Smith reported the Health Department can perform the additional testing with existing staff. The additional testing could produce additional revenue of approximately \$2,000. The Manager reviewed the fee schedule for each service.

Commissioner Chapman expressed concern about adding services to County government since there is a private sector company already providing this service. Commissioner Chappell did not agree with expanding County services specifically at a time when the County budget continues to shrink. He does not believe the County should add services that are not required. Commissioner Hogsed shared the same concern about competing with the private sector.

Chairman Hawkins pointed out that only one supplier of these services has been identified in the County. The background information provided for Commissioners indicated the supplier had no problem with the County supplementing his service. Chairman Hawkins noted that the majority of the Board of Health voted in favor of providing these well testing services.

Mr. Smith spoke on behalf of the Board of Health. He said other county governments provide additional well testing and their costs vary as compared to the private sector.

Commissioner Chappell moved to deny the testing and fee schedule for existing wells and water supplies. The motion was seconded by Commissioner Chapman. In response to a question from Commissioner Phillips, Mr. Smith said Henderson County provides this service and his office has referred citizens to them. He added that the reason the proposal was brought forth to the Board was because it is a service that has been requested by citizens. After further comments, the motion passed by a vote of 4 to 1, with Chairman Hawkins voting against.

LOCAL EMERGENCY PLANNING COMMITTEE

Title 111, the Superfund Amendments and Reauthorization Act of 1986 created Local Emergency Planning Committees (LEPC) to identify local hazards and make plans on how to deal with those hazards. Over the years, the LEPC's have transitioned into emergency planning groups which develop hazards/risk emergency response plans, identify private and public sector resources available to deal with the local hazards, and meet and conduct a training exercise dealing with a local hazard. The State Emergency Management Office is requiring all counties to furnish a new LEPC roster by January 5, 2011. The Manager submitted a proposed membership list for the Board's consideration.

Commissioner Chappell suggested that a Commissioner also be appointed to the LEPC because the Board of Commissioners has the authority to declare a state of emergency in the County if necessary.

Commissioner Chappell moved to approve the LEPC membership as submitted and amended, seconded by Chairman Hawkins and unanimously approved.

TRANSYLVANIA COUNTY TO ACT AS FISCAL AGENT FUNDS FOR BLUE RIDGE
COMMUNITY HEALTH SERVICES REFERENCE RURAL CENTER GRANT

Blue Ridge Community Health Services is a local (Henderson County) privately-owned, nonprofit healthcare provider with a focus on serving individuals who are considered below income and medically underserved. Blue Ridge is proposing to expand its services to Transylvania County. The Free Clinic is considering a merge with Blue Ridge and plans to serve as its pharmacy. Blue Ridge already serves 600-700 individuals from Transylvania County who travel to Henderson County for services, particularly dental care.

Blue Ridge has been invited by the Rural Center to submit an application for \$96,000 for the build out of a satellite operation in Transylvania County. The Rural Center requires a governmental entity to act as the fiscal agent for all funds which requires a 3% match by the County. If the Board so agrees, Transylvania County must submit a letter in support of the application. Transylvania County would have to become the fiscal agent and act as the partner for all aspects of the project. The 3% match, or \$2,880, can be an in-kind match. Staff would use that as being the agent overseeing the project and no actual County dollars would be expended. If the grant is awarded, Transylvania County would receive the funds and the County would issue a promissory note to Blue Ridge. The conditions of the promissory note would be that Blue Ridge would provide 12 jobs at a value of \$8,000 each, which is the total grant application amount of \$96,000. Once the jobs are in place, the promissory note will be forgiven. If the jobs are not created, Blue Ridge would have to repay the grant amount.

Jennifer Henderson with Blue Ridge noted that the agency has been a recipient of this grant before in Henderson County. They were awarded \$250,000 that was used towards construction costs. She thanked the Board for their consideration.

Commissioner Chapman moved to approve the letter in support of the application for Blue Ridge Community Health Services and for Transylvania County to become the fiscal agent for all funds, seconded by Commissioner Phillips and unanimously approved.

REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM

Requests for additions to the State Maintained Secondary Road System must begin with the Board of Commissioners' approval of a resolution in support of the request. Property owners are required to submit a Petition for Road Addition to the County as well as a Request for Addition to the State Maintained Secondary Road System which is completed by the Clerk.

Mark Thomas with the North Carolina Department of Transportation is retired but works part time in the Mills River Office as an assistant to the engineer. He has done all the necessary legwork and confirmed to the Clerk that all the property owners' signatures had been obtained from a request from residents in the Lobdell Subdivision to add David's Trace to the State Maintained Secondary Road System. He requested the Board of Commissioners' approval in support of the property owners' requests.

Commissioner Phillips moved to approve Resolution 57-10 Request for Addition to State Maintained Secondary Road System and instructed the Clerk to forward the necessary documents to the appropriate staff with North Carolina Department of Transportation Office in Mills River. The motion was seconded by Chairman Hawkins and unanimously approved.

(Resolution 57-10 Request for Addition to State Maintained Secondary Road System is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION PROCLAIMING THE TRANSYLVANIA COUNTY SESQUICENTENNIAL

Transylvania County was formed from Henderson and Jackson Counties by an act of the North Carolina State Legislature in 1861. In 2011, Transylvania County will celebrate its 150th anniversary, commonly

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known as its Sesquicentennial anniversary. Chairman Hawkins submitted a resolution for the Board's consideration proclaiming 2011 as Transylvania County's Sesquicentennial. The resolution will be read on January 1, 2011 by Chairman Hawkins at the Open House of the Second Floor of the Silvermont Mansion.

Chairman Hawkins moved to approve Resolution 53-10 Proclaiming the Transylvania County Sesquicentennial in 2011, seconded by Commissioner Phillips and unanimously approved.

(Resolution 53-10 Proclaiming the Transylvania County Sesquicentennial in 2011 is hereby incorporated by reference and made a part of these minutes.)

MANAGER'S REPORT

The Manager reported the following:

- Work has begun on the Connestee Falls Project. The Connestee Falls Property Owners Association is excited about the project. The project should be completed in February, weather permitting.
- Staff has been working on alternatives for the CTE Building in conjunction with the Board of Education.
- The contract for the Community Park near Rosman has been signed. A tentative start date has been scheduled for mid-March.
- Staff has been communicating with the City of Brevard regarding options with the animal shelter and the septage pre-treatment plant. Staff will meet with City representatives in the near future.
- There are certain NIMS courses Commissioners and staff are required to complete in order to be prepared for emergency situations. Most of the courses can be taken online. The Manager will provide a list of courses Commissioners are required to take for the upcoming year.
- The Manager, Finance Director and Communications Director will be attending a meeting this week about the new E911 rules and the use of those funds.
- In January, staff will bring to the Board a concept for the creation of a Community Resource Connection for aging and disabled populations.
- The Employee Christmas Luncheon is scheduled for Friday at noon at Brevard Community Church.

PUBLIC COMMENT

Edwin Jones: Mr. Jones noted there are two large leased tracts of land within the headwaters tract that the State is considering purchasing. The leased land is used for hunting lodges and those that manage the lodges have put into practice wildlife management and conservation methods which should be taken into consideration. He inquired about what may happen to the wildlife that has been under the lessees' management and care for quite some time. Mr. Jones also commented about the agenda item for Blue Ridge Community Health Services. He hopes they will be able to use existing vacant buildings rather than constructing a new facility.

COMMISSIONERS' COMMENTS

Commissioner Hogsed asked the Manager to contact the NC Wildlife Resources Commission regarding Mr. Jones' concerns.

Commissioner Hogsed briefly updated the Board on the status of the French Broad Water Resources Commission.

Commissioner Chapman thanked staff and the Board for their support during his campaign and said he looks forward to serving the citizens of Transylvania County.

Chairman Hawkins welcomed Commissioner Chapman to the Board on behalf of Commissioners.

Chairman Hawkins also announced that the Manager was recently awarded the Four Way Test Award by the Rotary Club. Commissioners congratulated the Manager for receiving this prestigious and honorable award.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (5) to instruct staff or negotiating agents concerning the position to be taken on behalf of the public body reference real property – G & A Enterprises, after a 5 minute recess. The motion was seconded by Commissioner Phillips and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (5) to instruct staff or negotiating agents concerning the position to be taken on behalf of the public body reference real property-G & A Enterprises, closed session was entered into at 8:45 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Hogsed, and Phillips, County Manager Artie Wilson, County Attorney David Neumann, and Clerk to the Board Trisha Hogan.

Commissioners discussed the potential acquisition of real property and instructed staff on how to proceed.

Chairman Hawkins moved to leave closed session, seconded by Commissioner Hogsed and unanimously carried.

OPEN SESSION

Chairman Hawkins moved to seal the minutes of the closed session until such time that opening the minutes would not frustrate the purpose of the closed session, seconded by Commissioner Hogsed and unanimously approved.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board

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