

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
January 13, 2011 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Thursday, January 13, 2011 in the large courtroom of the Transylvania County Courthouse. The meeting was postponed from Monday, January 10, 2011 due to adverse weather.

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 7:03 p.m.

WELCOME

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

PUBLIC HEARING

PROPOSED COMMUNITY TRANSPORTATION SERVICE PLAN

The representative from the firm who planned to make the presentation for this item was unable to attend the meeting. The public hearing will be rescheduled to the January 24, 2011 Board of Commissioners meeting.

PUBLIC COMMENT

Gerry Hunsicker: Mr. Hunsicker spoke in reference to the possible reclassification of Boylston Creek. He thanked the Board for their continued support. He commented that native trout in Transylvania County has not dissipated because of development; but rather because of the introduction of species that are higher on the food chain. Mr. Hunsicker invited Commissioners to his home on Saturday to attend a meeting with former NC Senator RL Clark who Mr. Hunsicker hopes may have some influence in stopping the reclassification.

Commissioner Chapman suggested to Mr. Hunsicker that he also contact Senator Elect Jim Davis to inform him of this issue.

AGENDA MODIFICATIONS

The Manager reported on the Agenda modifications. He requested to remove Item VI.A Recognition of NC Senator Elect Jim Davis under Presentations/Recognitions because of a scheduling conflict and Item VI.B Resolution Recognizing Lee Stewart and Jan Osborne under Presentations/Recognitions. Neither was able to attend the meeting due to recent adverse weather and road conditions; therefore this item will

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be placed on the January 24, 2011 Board agenda. He also requested to add Item IX.H Change the Date of the Bonus Day from April 25, 2011 to January 11, 2011 under New Business and move the Manager's Report to Item IX.I.

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

CONSENT AGENDA

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

MINUTES

The minutes of the December 9, 2010 special meeting and sealed closed session and the December 13, 2010 regular meeting and sealed closed session were approved.

APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW-CHAIR

Commissioner Chappell moved to reappoint Gay Phillips as Chair of the Board of Equalization and Review for 2011. The motion was seconded by Commissioner Phillips. Commissioner Chapman noted that many members serving on the Board of Equalization and Review have served for quite some time. He asked the Board to reach out to citizens and encourage them to apply for the various County boards and committees. Commissioner Phillips requested a report indicating how many times staff has advertised for boards and committees in 2010. **The motion was unanimously approved.**

TRANSYLVANIA COUNTY COUNCIL ON AGING

Commissioner Chappell moved to appoint James Walters to fill the unexpired term of Sue Robinson, seconded by Commissioner Hogsed and unanimously approved.

NEW BUSINESS

LETTER OF SUPPORT FOR NORTH TRANSYLVANIA FIRE RESCUE, INC.

North Transylvania Fire Rescue is in the process of purchasing a new fire pumper and expanding their existing building. The department is considering the construction of a 5,000 feet addition to the rear of the station. The addition will have three bays to house apparatus, a training room and handicapped accessible restrooms. Currently, the department is forced to park apparatus in a manner that is not conducive to quick responses and they also store some of their equipment off site. The estimated cost of the construction is \$359,774. This will be the first step in helping to improve the department's overall insurance rating. The estimated cost of the pumper is \$177,282.

The total cost of both projects is \$537,056. The department has negotiated a loan for both projects and needs a letter of support from the Board of Commissioners. According to Chief Donnie Kilpatrick, he does not believe the loan will result in an increase to the North Transylvania Fire Tax. The current fire department budget contains a line item for the building fund. This amount will be used towards the debt service required along with other proposed reductions in expense items.

Commissioner Phillips moved to approve the letter of support for the purchase of a new fire pumper and addition to their existing building. The motion was seconded by Commissioner Hogsed. Commissioner Chapman asked if the Fire Department had considered delaying the purchase of the fire pumper until the building costs were finalized. He is concerned about the building costs increasing once construction begins on the facility. Chief Donnie Kilpatrick reported that the department

has already ordered the pumper due to a pending price increase. He also reported the department has received a firm commitment on the construction costs. Additionally, the department plans to sell the existing pumper once the new one is in service. Commissioner Chapman also inquired about the bank from which the department is receiving the loan. Chief Kilpatrick said the department secured the loan through a private bank that specializes in working with fire departments. The department was able to receive a low interest loan for a period of 20 years. Chairman Hawkins acknowledged that the department is cutting expenses in the current budget that they may not be able to cut in future years. **The motion was unanimously approved.**

SIGN ORDINANCE AMENDMENTS

The Planning Board recently reviewed the Sign Control Ordinance and specifically looked at ways to regulate electronic signs that have moving or flashing text and/or animated figures and whether or not they should be allowed in the County. Currently there are none in the County. The Planning Department has processed one permit for an electronic sign but the permit has since expired.

The Planning Board is recommending the following changes to the Sign Control Ordinance:

1. Section 1.2 Directional Sign – add church
2. Section 1.5 Add definition of Electronic Message Sign
3. Section 3.8.1 Signs Exempted – add singular and/or multiple
4. Section 4.2 Signs Prohibited – add Fuel Prices
5. Section 4.8 Signs Prohibited – add Electronic Message Signs
6. Section 14 Permit and Emblem – delete the need for permit emblem and add 30 day extension may be allowed if construction is in progress

The Manager recommended the Board of Commissioners schedule a public hearing to receive public comments on the proposed amendments at their regular meeting on January 24, 2011.

Commissioner Chapman inquired about whether or not there was a particular problem driving the need for this request. Planning Board Chairman Mason Sexton noted the Sign Ordinance was originally enacted in September 1991 and since that time the County has received only one application for an electronic sign. The applicant has yet to follow through and did not renew the expired permit. He further noted that when the Planning Board visited various communities in the County, citizens expressed that they did not want to see electronic signs all over the County. Therefore the Planning Board added this issue to their work plan to address in the future. The Planning Board held public meetings on the proposed changes to Sign Ordinance and only three people attended the meeting.

Commissioner Chappell commented that the proposed changes are more restrictive than the City of Brevard.

Commissioner Chapman inquired about how the proposed changes may affect economic development in the County. Planning and Economic Director Mark Burrows said the original thought from the Planning Board was to regulate these types of signs and of particular concern were the size, brightness, and overall distraction caused by the busyness of some signs. In the process of their discussion, the Planning Board proposed to ban these type signs since there were none in the County already. Mr. Burrows does not believe the proposal will either negatively or positively affect economic development, particularly because most people relocate to Transylvania County because of its natural beauty. He further noted that electronic signs are very expensive for business owners. Also of concern is if there is a proliferation of electronic signs and they are not regulated, there could be potential problems in the future.

In response to a comment from Chairman Hawkins, Mr. Sexton said the proposal is consistent with the Comprehensive Plan in that one of the goals is to preserve and protect the natural beauty of Transylvania

County. He believes banning electronic signs is a better approach than taking staff time to measure signs and lumens or candle power, etc.

Commissioner Phillips believes electronic signs can be clean advertisement venues. He expressed concern about continued regulations. He preferred the option to regulate the size rather than prohibiting the signs altogether.

Commissioner Chappell also expressed concern about continued regulations and preferred not to regulate electronic signs at all because any regulation negatively impacts property owners and prohibits them from using their own property as they see fit. With only one request in 20 years, he does not see this matter as a pressing need at this time.

After further comments, **Commissioner Chappell moved not to move forward with a public hearing and deny the request for the proposed changes to the Sign Control Ordinance. The motion was seconded by Commissioner Chapman.** Chairman Hawkins expressed disappointment that the Board did not want to move forward to receive public comment on the proposed changes. He suggested directing the Planning Board to review the ordinance again and submit a proposal for sign regulations rather than an outright ban of electronic signs. Commissioner Chappell pointed out the Planning Board has already held public meetings and there was very little public interest. Commissioner Phillips said the proposed changes constitute further regulations which he is against. **The motion passed by a vote of 4 to 1, with Chairman Hawkins voting against.**

Commissioner Hogsed suggested an official letter to the Planning Board explaining the Board of Commissioners' decision not to move forward with the public hearing and recommended proposals.

REQUEST TO PROVIDE ADDITIONAL FREE SEASONAL FLU VACCINE

The Health Department has over 800 doses of privately purchased seasonal flu vaccines. Due to the saturated market of the flu vaccine, the Health Department wants to avoid wasting the vaccine. Local fire departments have expressed an interest in obtaining the additional vaccines if the cost could be reduced or waived. This is not a request that the Health Department envisions continuing after this year, and if approved by the Board, staff will inform individuals and agencies not to expect to receive vaccines at a reduced or waived rate in the future. The cost of the vaccine is approximately \$11.50 per dose, which translates to a total financial impact of approximately \$9,200.

Health Director Steve Smith reported that the doses expire in March or April. He said the Health Department is well connected to several agencies and entities that will benefit from the receipt of the vaccines and who will help spread the message that the vaccine is available.

Commissioner Phillips moved to authorize the Health Department to provide the remaining doses (800 plus) of flu vaccine to the general public to maximize the vaccination campaign and minimize the potential of any wasted vaccine. The motion was seconded by Commissioner Chappell.

Commissioner Chapman inquired about how staff will determine the need for the flu vaccine in 2011 and wondered if it is likely this situation will occur again. Mr. Smith said the Health Department is essentially getting out of the community vaccination business because the flu vaccine is universally available. The Health Department will only provide the vaccine for County employees and enough for a small community clinic. **The motion was unanimously approved.**

ESTABLISHMENT OF A COMMUNITY RESOURCE CONNECTION

The federal government has supported an initiative to establish "one-stop shop" programs for the growing aging population in the country. In North Carolina the initiative is called Community Resource Connections (CRC). Land of Sky Regional Council was named as the Regional CRC for Buncombe, Henderson, Madison and Transylvania Counties and has announced that local CRC's will be launched for

their service area in January 2011. Buncombe, Henderson and Madison Counties have agencies that have agreed to assume the local CRC role. In Transylvania County no agency has stepped forward due to a lack of sustained funding and each agency's lack of current resources to accept a new service delivery responsibility. In addition, the State has decided that new federal guidelines regarding transitioning residents from nursing homes back to their community should be administered by a CRC as well as person-centered hospital discharge planning.

If no local entity is willing to be the CRC in Transylvania County, the Department of Aging in both Buncombe and Henderson Counties would be willing to provide these services. Social Services Director Stoney Blevins has expressed concern about an outside agency from another county being the provider of local information and assistance to citizens. Furthermore, he is concerned if residents of nursing homes are returned to the community without proper supports in place, this could result in an increase in adult protective cases.

Mr. Blevins has been in discussions with the Land of Sky about the Transylvania County Department of Social Services (DSS) being the CRC. The Land of Sky has agreed to provide \$5,000 in seed money to establish a local CRC and \$2,000 to provide MDS assessments for the remainder of FY 2011. In addition the local Council on Aging as approved \$3,834 in Home and Community Care Block Grant funds to assist with the start up. These funds are non-recurring. If approved, DSS would use the funding to contract with a private individual to establish a local CRC structure, provide information and referral service and coordinate necessary MDS 3.0 evaluations. The challenge will come in continuing the service in FY 2012. It is unknown at this time whether or not there will be future funding available with this federal mandate.

The financial impact would be \$10,834 for the remaining six months of FY 2011. If approved these funds would come from the Land of Sky and Council on Aging.

Commissioner Chappell expressed concern about creating a new County program when future funding may not be available; therefore he preferred the regional approach. Mr. Blevins said he would prefer a local presence in the County if the services are offered regionally and he asked the Board to advocate for such.

Commissioner Chapman expressed concern about adding employees at a time when the County's economic future is unknown.

Commissioner Hogsed supported moving forward as long as there is funding available.

Commissioner Hogsed moved to accept the recommendation from staff with the understanding that there is no promise of continuation of this program with local monies at the end of June 30, 2011. The motion was seconded by Chairman Hawkins. Chairman Hawkins commended Mr. Blevins for seeing the need for local control over this particular issue. After further comments, **the motion passed by a vote of 3 to 2, with Commissioners Chapman and Chappell voting against.**

REPLACE CARPET IN COURTROOM

The Manager reported that the carpet and jury chairs in the large courtroom are in a state of disrepair and have become a safety concern. Staff worked with the Clerk of Court to select carpet and replacement chairs for the jury box. The first phase of the project is to purchase carpet for the entire large courtroom but only install in the area used by attorneys, judges and the jury. The first phase will also include new seats for the jury. Other phases which staff hopes to complete later in the year will include replacing the public seats with benches, installing the remainder of the carpet and new chairs for the judges, attorneys, court clerk, court reporter, bailiff and clerk's office.

The County received six bids for the carpet. The lowest responsible bidder was from Kerry Wilson Carpets, a local business, at \$4,334.42 which includes purchasing the carpet for the entire court room area, removal and disposal of the existing carpet in the front area and installation of the new carpet in the front area. As of this date, the sample jury seating has not arrived for review; therefore staff will delay this item until they have viewed the sample seating. Monies for the carpet will come from the designated Court Facilities line item. These funds come from court related fees. Currently there is approximately \$348,839 available in this fund.

Commissioner Chapman moved to approve the bid of \$4,334.42 from Kerry Wilson Carpets for the carpet. The motion was seconded by Commissioner Hogsed. In response to Commissioners, the Manager noted the carpet will be installed in a weekend over the next two weeks. **The motion was unanimously approved.**

BUDGET TRANSFERS AND AMENDMENTS

The Manager presented the budget amendments and transfers as follows, two of which require approval by the Board of Commissioners:

1. \$7,700 from Contingency to provide a County match for a HOME program Down Payment Assistance grant administered by WCCA and originally approved by the Board of Commissioners on January 25, 2010.
2. \$3,549 for a sales tax audit which resulted in the reallocation of sales taxes paid by the Board of Education and Transylvania Regional Hospital. The total amount reallocated equals \$16,322, which equals a net benefit to the County of \$12,773.

If approved, the total General Fund Budget will increase to \$40,329,829 or \$373,738 more than the original budget.

The other requested budget amendments, which the Budget Ordinance authorizes the County Manager to transfer within department line items, were included in the Commissioners' packets for their review.

Commissioner Chappell moved to approve the Budget Amendments, seconded by Commissioner Phillips and unanimously approved.

RESOLUTION MANDATING A TEMPORARY HIRING FREEZE FOR TRANSYLVANIA COUNTY GOVERNMENT

Transylvania County is anticipating an extraordinary period of financial pressures in the near future. In order to examine all possible means to avoid a continuing deficit position in its annual budget the Board of Commissioners wants to ensure that any position that becomes vacant or is vacant is deemed essential at this time. Therefore the Board of Commissioners wants to establish a hiring freeze on all Transylvania County Government positions effective January 10, 2011. The hiring freeze will either expire or be renewed at the end of FY 2011.

Human Resources Director Sheila Cozart noted there are two vacant positions in the County, one of which is being filled part time. The other vacancy will not be filled at this time. She further noted there are two employees who have filed their retirement paperwork.

Commissioner Chappell brought this forward for the Board's consideration because of the uncertain conditions the County is facing in the future. He believes it is important and appropriate for the Board to take a public stance as the private sector has. Other counties have enacted hiring freezes as well.

Commissioner Chapman moved to approve Resolution 01-11 Mandating a Temporary Hiring Freeze for Transylvania County Government. The motion was seconded by Commissioner Hogsed.

Chairman Hawkins noted that the policy gives flexibility for the Board and staff to consider filling vacancies when they occur. **The motion was unanimously approved.**

(Resolution 01-11 Mandating a Temporary Hiring Freeze for Transylvania County Government is hereby incorporated by reference and made a part of these minutes.)

CHANGE THE DATE OF THE BONUS DAY FROM APRIL 25, 2011 TO JANUARY 11, 2011

The County's Inclement Weather Policy states "if the county manager modifies the hours of operation, employees will utilize appropriate leave time (annual leave, comp time or leave without pay) to total a full workday when combined with hours worked." "For absences of one full workday exempt employees shall use annual leave or leave without pay." Since County offices were closed two full work days this past week, those employees who have very little seniority may not have vacation time available (vacation accrual starts at the beginning of the calendar year) and this would result in a loss of two days of pay. To lessen the impact to employees, staff is asking permission to change the bonus day from April 25, 2011 to January 11, 2011. The Manager discussed this with department heads on Wednesday and an overwhelming majority of them were in favor of changing the date. For those who have already made leave arrangements for April 25 they can still take the day off by using a day of vacation. There will be no additional financial impact to the County although changing the date will benefit some County employees. This will also not affect emergency personnel and those who had to work during the snow day.

Commissioner Phillips moved to approve changing the Bonus Day off with pay from April 25, 2011 to January 11, 2011. The motion was seconded by Chairman Hawkins. Commissioners inquired how the County's policy relates to other counties. It was noted that counties' policies differ widely. Commissioner Chappell suggested that the Personnel Board review the policy in the future. **The motion was unanimously approved.**

MANAGER'S REPORT

The Manager reported the following:

1. Staff is moving forward with the bid process for the renovation of the old Sheriff's Department next week. Staff hopes to receive the bids back in one month.
2. Staff is moving forward with the bid process for the construction of the new animal shelter.
3. The Connestee Falls project continues to progress.
4. Staff continues to work on the budget.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS COMMENTS

Commissioner Chapman suggested that the Manager and Parks and Recreation Director Rick Pangle make a presentation in the near future to the Rosman Board of Aldermen in reference to the Community Park. He believes it would be good to publicize the project. The Manager noted that he and Chairman Hawkins recently met with Rosman Mayor Brian Shelton and discussed the park. He reported that staff plans to hold a groundbreaking ceremony.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (6) to consider the conditions of initial employment, after a 5 minute recess. The motion was seconded by Commissioner Phillips and unanimously carried.

CLOSED SESSION

Per NCGS 143-318.11 (a) (6) to consider the conditions of initial employment, 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. Also present were Board of Elections members Jack Hudson, Ladene Newton, and David Morrow and Board of Elections Director Judy Mathews.

Commissioners discussed with the Board of Elections members the initial conditions of employment for a new Elections Director to replace Judy Mathews who is retiring in April. Commissioners requested some additional information from the Board of Elections and agreed to review this matter again at the next meeting.

Chairman Hawkins moved to leave closed session, seconded by Commissioner Chapman 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. The motion was seconded by Commissioner Phillips and unanimously approved.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board