

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
March 14, 2011 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, March 14, 2011 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: *The Transylvania Times* – Mark Todd

There were approximately 40 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. Chairman Hawkins introduced the members of the Board of Commissioners and staff.

PUBLIC COMMENT

Gerry Hunsicker: Mr. Hunsicker thanked the Board for its support in stopping the reclassification of Boylston Creek. He encouraged Commissioners to draft a resolution against the reclassification of all streams and waterways in Transylvania County in an effort to protect everyone's property rights.

Roger Petit: Mr. Petit, an Alderman with the Town of Rosman, announced the Town had changed its meeting dates so that Board members could attend Commission meetings. He hopes the Board of Commissioners will attend Town meetings as well. He inquired about the status of a resolution the Town sent to the County last year in reference to the Town's desire to annex property. He said the voluntary annexation is necessary because of the negative impact the US 64 Bypass had on the Town. Commissioners instructed the Manager to follow up with the Mayor of Rosman and bring this item forth for discussion at the next meeting.

AGENDA MODIFICATIONS

There were no Agenda modifications.

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

PRESENTATIONS/RECOGNITIONS

2010 ECONOMIC DEVELOPMENT REPORT

Bill Towler, Chairman of the Economic Development Advisory Board, and Mark Burrows, Director of the Planning and Economic Development Department, gave an overview of the first year's results of the

Economic Development Strategic Plan. The report is available online and at the Library, County Administration, and the Planning and Economic Development Office.

The Economic Development Advisory Board (EDAB) focused on five goals.

1. Goal 1 – To help existing businesses (ex. – resource for information; source for grant opportunities)
2. Goal 2 – Attract new businesses (ex. – entrepreneurship; manufacturing; Certified Entrepreneurial Community)
3. Goal 3 – Inform elected officials, other community leaders and the public about economic development efforts (ex. – website, newsletter, monthly fact sheet, elected officials’ lunch, etc.)
4. Goal 4 – Enhance Transylvania County’s exceptional quality of life (ex. – community development through affordable housing, Community Appearance Initiative, Senior Resource Network)
5. Goal 5 – Promote education and workforce development opportunities (ex. – Business Plan Competition; High School Business Plan Competition)

Mr. Burrows thanked many of the County’s economic allies: Heart of Brevard, Chamber of Commerce, AdvantageWest, and Land-of-Sky Regional Council. They are all listed on the back of the report.

Commissioner Chapman said he has received negative feedback from a business owner and other citizens that perceive Transylvania County as being non-business friendly. Commissioner Chapman believes the money the County invests in planning and economic development should translate into jobs. He wondered if the focus should be different and said the County needs to work on improving its image as a business friendly community. Commissioner Chapman noted that most of the negative comments were about the City of Brevard and their strict regulations. Mr. Towler said the EDAB will be reviewing this further. He believes the County should market its strengths and this year is the perfect opportunity since it is the County’s 150th Anniversary.

Commissioner Chappell noted the importance of not hindering any potential business from coming to Transylvania County.

Chairman Hawkins said it is important to be aware of the reasons people may perceive the County as being non-business friendly. With a budget of nearly \$244,000, he wondered if there are other things the County can be doing to market itself. Chairman Hawkins agreed with Commissioner Chappell, that just because the County should not expect another Ecusta that should not mean the County should not be open to such an opportunity should it arise.

Commissioner Hogsed moved to accept the report and thanked Bill Towler, Mark Burrows and his staff, and members of the Economic Development Advisory Board for their efforts in achieving successes in 2010. The motion was seconded by Commissioner Phillips and unanimously approved.

APPOINTMENTS

BOARD OF HEALTH

The Board of Health has been trying to fill a vacant optometrist position on the Board of Health without success. NCGS 130A-35 allows the appointment of a representative from the general public due to the unavailability of one of the licensed professionals such as an optometrist. The Board of Health has reviewed the applications on file and recommended the appointment of Michael Becker to fill the position of optometrist until such time that an optometrist becomes available for appointment.

Commissioner Chappell nominated and moved to appoint Michael Becker to fill the vacant position of optometrist. The motion was seconded by Commissioner Phillips and unanimously approved.

03/14/2011

BOARD OF ADJUSTMENT-ALTERNATE

The Planning Board serves as the Board of Adjustment. Recently, Larry Wilson, who served as an Alternate to the Board of Adjustment, was appointed to serve as a full member of the Planning Board/Board of Adjustment; therefore leaving the Alternate position vacant.

Commissioner Hogsed nominated and moved to appoint Clentis Williams. The motion was seconded by Commissioner Chapman.

Commissioner Chappell nominated and moved to appoint Scott Goldsmith. The motion was seconded by Commissioner Phillips.

Commissioner Hogsed noted that Mr. Williams lives in the Pisgah Forest community where zoning was passed. Mr. Williams was involved with that process. He believes Mr. Williams will be valuable as an alternate member of the Board of Adjustment.

The motion to appoint Clentis Williams passed by a vote of 4 to 1, with Commissioner Chappell voting against. The motion to appoint Scott Goldsmith failed.

JOINT HISTORIC PRESERVATION COMMISSION

Roger Riggers recently resigned from the Joint Historic Preservation Commission.

Commissioner Chapman nominated and moved to appoint Jeff Carter to fill the unexpired term of Roger Riggers, seconded by Commissioner Hogsed and unanimously approved.

OLD BUSINESSCONVEY SURPLUS VEHICLE TO CEDAR MOUNTAIN FIRE RESCUE

Cedar Mountain Volunteer Fire Department has requested that the County convey to them a surplus patrol vehicle as allowed per NCGS 160A-277. Staff has given proper public notice as authorized by the Board of Commissioners. The financial impact is approximately \$1,500.

Commissioner Hogsed moved to authorize the conveyance of the surplus 2004 Crown Victoria to Cedar Mountain Fire Rescue, Inc. The motion was seconded by Commissioner Chappell and unanimously approved.

NEW BUSINESSREQUEST FOR ART SCULPTURE ON NEW ADVENTURE LAWN

Members of the City of Brevard's Appearance Committee have requested to locate an art sculpture on the lawn of the New Adventure Learning Center. Staff has identified a location that should not interfere with current or future activities. The Manager recommended allowing the sculpture to be placed at the identified location provided that the Appearance Committee is responsible for the installation and the City of Brevard for maintenance.

Tom Cabe with the Appearance Committee showed a model of the sculpture. When installed, the sculpture will be the largest wind sculpture in North Carolina. The trout sculpture is named "Flight School". Mr. Cabe hopes the sculpture will be installed in May.

The sculpture was designed by Lincoln Stone, an artist in Marietta, Georgia. The donor is a lady named Leigh Tuttle and the sculpture is in honor of husband. The sculpture will be number 17 in the County and there has already been a request for two more. Mr. Cabe hopes Transylvania County will be known as the outdoor sculpture capital.

Commissioners discussed the height recommendations for safety purposes.

Commissioner Chappell moved to authorize the placement of the art sculpture on the lawn of the New Adventure Learning Center with the understanding that the moving parts will be located at minimum 8 feet above the ground and that the City will be responsible for any damage to the sculpture. The motion was seconded by Commissioner Hogsed and unanimously approved.

RESUBMITTAL OF QUALIFIED SCHOOL CONSTRUCTION BOND (QSCB) PROGRAM FOR CAREER TECHNICAL EDUCATION (CTE) BUILDING AT ROSMAN HIGH SCHOOL

In 2009, the County, in conjunction with the Board of Education, made application for approximately \$1.3 million in Qualified School Construction Bonds (QSCB) for the construction of a new Career and Technical Education (CTE) Building at Rosman High School. Unfortunately the bids were significantly higher than expected so the Board of Education has been working on alternatives to meet the CTE needs. The Board of Education has decided to renovate and expand the existing facility. The estimated cost of the renovation and new construction is \$1,171,000 which equals the amount of QSCB funds remaining. There will be no additional financial impact.

The Board of Education plans to go out for bids in early May, start construction in June and complete the renovation in mid-December. In order for the Board of Education to move forward, a new application must be submitted to the Department of Public Instruction (DPI). Also, the bank has requested a new survey for the deed of trust. As long as the application is approved by DPI, the Board of Education can move forward with the next steps in the process.

Commissioner Chapman moved to approve the Application for Authorization and authorize the Chairman to sign the necessary paperwork. The motion was seconded by Commissioner Phillips and unanimously approved.

REQUEST TO FILL NEW ADVENTURE EDUCATION/DEVELOPMENT AIDE POSITION WITH PART TIME

The Board of Commissioners enacted a temporary hiring freeze on January 13, 2011. The resolution includes a provision that allows for hiring if exigent circumstances exist or if approved by the Board of Commissioners. An Education/Development Aide is resigning effective March 17, 2011. The Department of Social Services Director is seeking authorization to fill the Education/Development Aide position with part time help to meet the licensing standards. The Manager noted there have been discussions about modifying the ages served and depending on the outcome from those discussions staff will decide whether or not the position is needed after June 30.

Commissioner Chapman moved to authorize the hiring of a part time Education/Development Aide in order to meet the licensing standards and discussing the future of the position during the budget process. The motion was seconded by Chairman Hawkins and unanimously approved.

STORM WATER IMPROVEMENTS – PUBLIC SAFETY FACILITY

The Public Safety Facility was designed in accordance with the City of Brevard's Unified Development Ordinance (UDO) with regards to storm water removal. During heavy rains the excess storm water from the overflow pond at the maintenance facility and the lower entrance pond has created problems with the neighbors. Staff has met with the City of Brevard to evaluate several options for managing the storm water runoff. Staff recommended obtaining two easements from neighboring property owners and directing the storm water to Lamb's Creek costing approximately \$178,000. Other options were estimated at \$216,000. Funds have already been reserved for this project.

Project Manager Larry Reece showed several pictures of the effect of heavy rains on the surrounding properties and roads. As already mentioned, he pointed out that the County is in total compliance with

the UDO and that, typically, the ponds handle most normal rain events. Mr. Reece believes obtaining the easements is the best option financially and for future growth.

Commissioner Chappell noted that a sizeable amount has already been spent on retaining water at the site as a result of the UDO so he is not in agreement with spending additional monies when it is clear that the County is in compliance with the UDO. He does understand the need to be neighborly. The Manager reported that the City is getting complaints from citizens; however the City is not requiring more from the County. The City is in favor of rerouting the water runoff to Lamb's Creek. The Manager feels the County should be a good neighbor and address these issues.

Commissioner Phillips agreed the County should be a good neighbor; however since the project was designed according to the City's requirements, he wondered if the City would be willing to share in the cost.

Commissioner Chapman agreed with Commissioner Phillips and does not feel it is appropriate to spend monies to address rare rain/flood events. The Manager reported that these events are occurring more frequently during heavy rain periods, not just during flood events. The goal is to redirect the water to alleviate any further problems.

Commissioner Hogsed noted that it has always been common for the ditches along Morris Road to fill up with rain water and for water to cross the road for many years prior to the construction of the Public Safety Facility.

Commissioner Phillips preferred to ask the City to share in the costs as a prerequisite to going out for bids. Commissioner Chapman said going out for bids does not commit the County to moving forward.

Chairman Hawkins agreed with Commissioner Phillips about exploring ways to finance this project; but he believes that can be further reviewed going through the process. He said there is clearly a problem with water runoff and the problem should be alleviated. Therefore, **Chairman Hawkins moved to authorize staff to go out for bids on the project and direct the Manager to discuss with the City in regards to sharing the financial responsibility. The motion was seconded by Commissioner Hogsed. The motion failed by a vote of 2 to 3, with Commissioners Chapman, Chappell and Phillips voting against.**

Commissioner Phillips made a motion to direct the Manager to communicate with the City within a reasonable time frame regarding sharing the cost of the project. The motion was seconded by Commissioner Chappell. Commissioner Phillips does not believe the County should bare the brunt of the cost. Commissioner Chappell believes there are two different issues with regards to water retention at the Public Safety Facility. He said the ditches along Morris Road are doing their job by moving the water through; however he is concerned about the runoff onto properties on the back side of the Public Safety Facility site. Commissioner Chappell does not believe the County should address any issues with Morris Road. The Manager said staff can work with the property owners to gain the necessary easements and redirect the water. He believes it would be a good opportunity to gain easements with The Oaks so it can be secured for future development of the area. By only dealing with the back portion of the runoff, the estimated cost will be reduced. **Commissioner Chappell requested to amend the motion to indicate the focus will be to address the runoff from the back side of the property. There was no objection. The motion passed by a vote of 4 to 1, with Commissioner Chapman voting against.**

REPRESENTATIVE TO SERVE ON RAILS-TO-TRAILS PROJECT

The City of Hendersonville is leading the effort to study the feasibility and economic benefit of converting the Norfolk Southern rail line between Hendersonville and Pisgah Forest into a trail. The City of Hendersonville plans to submit requests for proposals soon and has requested that a representative

from Transylvania County serve on the committee to review the proposals and assist in selecting the organization to complete the study.

Commissioners felt the appointee should represent the County's position of maintaining the rail lines for potential future economic development purposes. The rail line has not been abandoned by Norfolk Southern and they are not in a position to remove the rail lines at this time. Commissioners also stressed the importance of protecting the landowners along the rail lines.

Commissioner Chapman moved to appoint Commissioner Chappell to serve on the committee, seconded by Chairman Hawkins and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

1. Staff is working on the Planning Session scheduled for March 22, 2011 at 6:00 p.m. in the Rogow Room
2. A joint meeting has been scheduled with the Board of Education to hear their budget requests on March 29, 2011. Location to be determined.

PUBLIC COMMENT

Don Surette: Mr. Surette noted that the storm water from the Public Safety Facility would be redirected into Class C Trout waters.

Gerry Hunsicker: Mr. Hunsicker said it appears there could be a blockage in the culvert along Morris Road that should be checked into.

Edwin Jones: Mr. Jones inquired as to whether there are laws in North Carolina that address changing the water flow from one property and directing it onto someone else's property. He also expressed concern about the water quality of Lamb's Creek if the storm water were redirected there. Mr. Jones also commented about economic development and said the City's UDO is not good for Transylvania County and is restrictive and inefficient. He believes there should be more research on UDO's for small towns like Brevard.

Chris Lewis: Mr. Lewis commented about economic development and said that economic development is measured by job and salary creation. He believes the County should look at other methods for attracting business and he is willing to help. He also commented that the County needs to invest in infrastructure in order to attract business as well. Mr. Lewis commended Commissioners for their efforts in this challenging economy.

COMMISSIONERS' COMMENTS

Commissioners recognized Karen Brinson who will soon be sworn in as the new Elections Director. They also recognized outgoing Director Judy Mathews and thanked her for her years of service to Transylvania County.

Commissioner Chapman announced that NC Senator Jim Davis has invited local commissioners and county managers to a meeting to discuss the impact of the State budget cuts to counties. He plans to attend the meeting on Saturday.

Chairman Hawkins announced that Brevard City Council has challenged the Board of Commissioners to a bowling tournament to raise money for the American Red Cross.

Chairman Hawkins thanked Mr. Lewis for his comments.

Commissioner Hogsed said he plans to email Senator Davis a list of his concerns regarding the State budget. He noted that the State Legislature is working on a bill to limit or eliminate involuntary annexation; however it does not address the issue of ETJ which is more egregious than involuntary annexation. Commissioner Hogsed said it is disheartening to hear feedback from the public that Transylvania County is not business friendly. He believes Transylvania County makes every effort to be business friendly through low tax rates and minimal regulations, etc.; however he noted that the County can not control how the City regulates businesses within its jurisdiction.

Commissioner Phillips also commented about economic development. He thanked Mr. Lewis for offering his services and said that the County needs help to make sure Transylvania County has a business friendly environment and to spark entrepreneurial ingenuity in folks. Commissioner Phillips said there is a tremendous need for facilities for new businesses and Transylvania County needs to make the investment in the future.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board