

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**June 27, 2011 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, June 27, 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 Curtis Potter, and Clerk to the Board Trisha Hogan.

Media: *Hendersonville Times News* – Leigh Kelley  
*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**

Troy Alverson: Mr. Alverson addressed the Board in reference to the septage pretreatment facility. He is the owner of Triple A Septic Tank Service and he asked the Board to reconsider its decision not to contract with the City in providing a septage pretreatment facility for residents with septic tanks. He believes the Board's decision will cause undue hardships upon residents and hurt certain industries in the County, such as construction. Out-of-County providers may not be as readily available and will also charge higher prices to those bringing in waste from other counties. Mr. Alverson believes this could also result in some negligence on the part of residents therefore cause major environmental issues in the County. He encouraged the Board to work with the City of Brevard and reconsider its decision.

Vicki Walker: Ms. Walker spoke about the possibility of a privately run animal shelter. Her group proposes purchasing property behind the former Wood Chevrolet building and constructing a facility that is larger than the County's current proposal. She estimated the cost to purchase the land and construct the animal shelter at \$750,000. Her group plans to completely operate the shelter and expects the shelter to be operational no more than six months after closing on the land. After 15 years the building and the land would be transferred to the County. She said there is much misinformation in the community about private shelters and she encouraged County officials to keep this option on the table and to meet with her group to continue discussing this option.

Bill Galloway: Mr. Galloway spoke in reference to the replacement of a bridge on Tannasee Gap Road in the Balsam Grove community. He asked the Board for its assistance because the NC Department of Transportation is going to negatively impact his property with the current construction plans. Mr. Galloway said he has been in contact with Transportation officials and no one is willing to help him. He is not opposed to a new bridge, just not on his property, and he would like to see the bridge rebuilt in its present location. Mr. Galloway does not believe he is being treated fairly and he is sure he will not be

06/27/2011

justly compensated. Mr. Galloway distributed a letter to Commissioners that was drafted by his attorney to the NC Department of Transportation.

Bill Briggs: Mr. Briggs spoke in reference to a new animal shelter and said he believes too much time has been taken in trying to reach a final decision. Also, the amount of funds in the County's reserve is insufficient to build the shelter in the near future with the inflation of goods and labor. He proposed the following options to Commissioners: 1) instruct architect to draw plans for a shelter that can be built in phases as the need arises and finances are available; 2) construct the nonessential parts at a later time; 3) keep the footprint as small as possible to keep costs down; 5) build the first phase of the shelter to match the amount of funds that are currently available today; 6) use privately raised funds to build animal show rooms, volunteer offices, conference rooms, etc.; 7) ensure the plans call for using the best materials for the job, not the most expensive, while ensuring the shelter is attractive both internally and externally; and 8) start bidding and construction as soon as possible and build expansion parts when private funds are available or when the economy improves.

### **AGENDA MODIFICATIONS**

The Manager reported on the agenda modifications. Under Budget Transfers and Amendments under New Business, he requested to add another budget amendment that occurred today.

**Commissioner Chappell moved to approve the revised agenda, seconded by Commissioner Chapman and unanimously approved.**

### **CONSENT AGENDA**

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

The following items were approved:

#### MINUTES

The minutes of the April 11, 2011 regular meeting and planning workshop were approved.

#### DISCOVERY AND RELEASE REPORT

The Discovery and Release Reports for May and June 2011 (through June 27) were approved.

#### UNSEALING OF CLOSED SESSION MINUTES

The Board of Commissioners approved unsealing the sealed closed session minutes from November 8, 2010 in reference to potential litigation (Renee Crocker, et. al. v. Transylvania County, et. al., 09 cvs 49).

### **PRESENTATIONS/RECOGNITIONS**

#### DESIGNATION OF JULY AS PARKS AND RECREATION MONTH

The US House of Representatives has designated the month of July as Parks and Recreation month. Sandi Hosey, current chair of the local Recreation Advisory Board, requested Commissioners approve a resolution designating July as Parks and Recreation Month in Transylvania County.

**Commissioner Hogsed moved to approve Resolution 19-11 Designation of July as Parks and Recreation Month, seconded by Commissioner Phillips and unanimously approved.**

(Resolution 19-11 Designation of July as Parks and Recreation Month is hereby incorporated by reference and made a part of these minutes.)

06/27/2011

## APPOINTMENTS

### AGRICULTURAL ADVISORY BOARD

The terms of George Lenze, Mark McCall and Jimmy Whitmire have expired. George Lenze is eligible and willing to serve another term. Mark McCall has requested not to be reappointed. Jimmy Whitmire is no longer eligible to serve an additional term. The chair of the Agricultural Advisory Board is appointed by the Board of Commissioners annually.

These are the recommendations of County Extension Officer Eric Caldwell:

1. Reappoint George Lenze to another term
2. Appoint John Witherspoon to replace Mark McCall
3. Appoint Brittany Whitmire to replace Jimmy Whitmire
4. Reappoint Dale Robertson as chair for 2011

**Commissioner Chappell moved to approve the recommendation. The motion was seconded by Commissioner Phillips.** Commissioner Chapman requested that the Clerk keep Ruth Harris' application on file. She is interested in serving on this board in the future. **The motion was unanimously approved.**

### LIBRARY BOARD OF TRUSTEES

The terms of Janet Kimzey and John Walter expire at the end of July and neither is eligible for reappointment.

The Library Board of Trustees recommends the following appointments:

1. Appoint Nicola Melby to replace John Walter at the end of his term
2. Appoint Betsy Jordan to replace Janet Kimzey at the end of her term

**Commissioner Chapman moved to approve the recommendation, seconded by Commissioner Chappell and unanimously approved.**

### JUVENILE CRIME PREVENTION COUNCIL

The terms of Bruce Blackwell, Rose Stouder, Stoney Blevins, Julianna Landers, Alan Justice, Greg Stroup, James Felty, Marilyn Borom, Larry Chapman, Steve Pulliam, Rodney Wesson, Lynne Warner, and Gay Poor expire at the end of June. Bruce Blackwell and Lynne Warner do not wish to be reappointed. Rose Stouder no longer serves in the same position and should be replaced as well.

There are also two vacancies that should be filled by the Chief District Court Judge or Designee and a Juvenile Defense Attorney. Commissioners directed staff to determine whether these two positions could be filled by members of the general public. County Attorney Curtis Potter reviewed NC General Statutes and there is nothing there that indicates Commissioners cannot fill these two vacancies with members of the general public. There are also two vacant student positions that will remain vacant until school starts back in the fall.

The recommendations are as follows:

1. Bruce Blackwell (Commissioners Appointee) – Replace with Jennifer Cantrell
2. Rose Stouder (Substance Abuse Professional) – Replace with Angela Garner and rename position as Mental Health Director or Designee
3. Stoney Blevins – Reappoint
4. Vacant (Chief District Court Judge or Designee) – Rename Commissioner Appointee and fill position with James Heffel
5. Alan Justice – Reappoint
6. Greg Stroup – Reappoint

06/27/2011

7. Vacant (Juvenile Defense Attorney) – Rename Commissioner Appointee and fill position with Ricky James
8. James Felty – Reappoint
9. Marilyn Borom – Reappoint
10. Larry Chapman – Reappoint
11. Steve Pulliam – Reappoint
12. Rodney Wesson – Reappoint
13. Lynne Warner (Commissioner Appointee) – Replace with Elizabeth Pllum
14. Gay Poor – Reappoint

**Commissioner Chappell moved to accept the recommendations including changing the titles of the appointed positions as indicated, seconded by Commissioner Chapman and unanimously approved.**

#### NURSING ADULT CARE HOME ADVISORY COMMITTEE

There is one vacancy on this council. It is the recommendation of Barbara Hinshaw with the Land-of-Sky Regional Council to appoint Suzy Biecker to fill the vacant term.

**Chairman Hawkins moved to appoint Suzy Biecker to fill the vacant term, seconded by Commissioner Chappell and unanimously approved.**

#### SOCIAL SERVICES BOARD

The terms of Jane Williams and Edgar Israel expire at the end of June. Jane Williams is eligible and willing to serve another term. Edgar Israel's position is appointed by the State. Today staff learned that Paul Edwards has been appointed to replace Mr. Israel. It is the recommendation of the Social Services Board to reappoint Jane Williams to another term.

**Chairman Hawkins moved to reappoint Jane Williams to another term. The motion was seconded by Commissioner Chappell and unanimously approved.**

Commissioner Chapman recommended the Board do something special for Mr. Israel in recognition of his time on the Social Services Board.

### **OLD BUSINESS**

#### REQUEST FROM BREVARD RESCUE SQUAD

The Brevard Rescue Squad currently leases property on Fisher Road from Transylvania County. Brevard Rescue Squad requests that the County allow them to use the land as collateral in securing a loan to consolidate their existing debt. This would allow them to have funds for renovating their building, to purchase new equipment, and to provide \$25,000 for a matching grant obligation. The County Attorney has researched the request and in his opinion the County cannot subordinate its property rights to the bank as requested unless either the monetary consideration as opposed to public service consideration is to be paid by Brevard Rescue Squad at a fair market rate which the bank would continue to incur the responsibility for paying after any default, or the lease is amended to require ongoing public service from Brevard Rescue Squad as consideration for the lease term which the bank will have to consent to carry on in Brevard Rescue Squad's absence after any default occurs. The County Attorney does not believe the bank would agree to either of these options.

If neither of those options is acceptable, Brevard Rescue Squad wants the County to either give them the property or allow them to purchase the property. The County Attorney and staff offered another option which involves Brevard Rescue Squad using their equipment for the loan collateral. However, Brevard Rescue Squad does not want to do this because the terms for this type of loan, if available at all, are likely to be less favorable to them.

The assessed tax value of the property is \$60,240. The Board of Commissioners may, with or without monetary consideration, sell or convey to a volunteer rescue squad any land if the volunteer rescue squad provides rescue services to the County per NC General Statute 160A-277.

If the Board of Commissioners decides to convey at no cost the property to the Rescue Squad the Manager suggests the following action:

1. Require that PharmAgra have a right of way across the property to gain access to their property.
2. In case of a deadlock or dissolution of Brevard Rescue Squad, or in the event that Brevard Rescue Squad no longer offers rescue services to the County, the property should revert back to the County.
3. Brevard Rescue Squad pay for all legal and recording fees involved with the transaction.
4. If Brevard Rescue Squad decides to sell the buildings and property, Brevard Rescue Squad agrees to pay the County the fair market value of the property upon sale of the land and buildings.

If the Board of Commissioners decides to sell the property to Brevard Rescue Squad the Manager suggests the following action:

1. Require that PharmAgra have a right of way across the property to gain access to their property.
2. The price is set at the current assessed value of \$60,240 and a payment plan be established such that the property is paid off within 10 years.
3. No amount of the County funds allocated to Brevard Rescue Squad each year for operation shall be used to pay for the purchase of the land.
4. Brevard Rescue Squad shall pay for all legal and recording fees involved with the transaction.

Staff understands that the loan being considered has a balloon payment at the end of five years. The FY 2012 Brevard Rescue Squad budget indicates that they are already anticipating spending approximately \$23,000 more than their revenues. The Manager's concern with this transaction is based in large part on what they are anticipating already in budget shortfalls and their ability to maintain operations now and in the future.

Before deciding on whether to convey at no cost or sell the property, the Manager recommended that the Board of Commissioners require Brevard Rescue Squad to prepare a financial plan showing their last five years of operation and the estimated next six-year projections of how they will make a balloon payment and pay off the land if the County sells the land to the Rescue Squad. Furthermore, he recommended the Board of Commissioners ask Brevard Rescue Squad to define what happens if they are not able to acquire the loan. Also, if the County decides to convey or sell the land to Brevard Rescue Squad, NC General Statutes require proper notice to the public and for public comment at a regular Board of Commissioners meeting prior to approval.

Should Commissioners decide to convey or sell the property, Commissioner Chappell suggested that the County be granted a right of first refusal.

Assistant Chief Brian Kreigman stated that Brevard Rescue Squad is agreeable to the aforementioned conditions. The most favorable option to Brevard Rescue Squad is for the County to convey the property at no cost. He noted that Brevard Rescue Squad has occupied the property since 1966. They constructed all the buildings on the property but those buildings are no longer adequate. Brevard Rescue Squad also offered to request no budget increase for at least the next three years.

In response to a question from Commissioner Chapman, the Manager stated that the property is not included in the County's future plans. He noted that Brevard Rescue Squad provides backup ambulance service for Transylvania County which is a very vital service.

Mr. Kreigman said Brevard Rescue Squad should have no issue with including a right of first refusal.

Commissioner Chapman asked Mr. Kreigsman to explain the anticipated budget shortfall. Mr. Kreigsman said their spending plan frequently exceeds the County's funding by \$20,000 to \$30,000. Brevard Rescue Squad makes up the shortfall through fundraising and private donations. They have always been successful. Mr. Kreigsman added that if Brevard Rescue Squad owned the property that would enable them to secure a loan for future building expansion and renovations and they would not have to rely on the County to sign off on the loan. He stated that the loan will allow them to consolidate their debt and generate extra cash flow therefore reducing their expenditures.

Commissioner Phillips asked Mr. Kreigsman what the major advantage is to Brevard Rescue Squad owning the property. Mr. Kreigsman stated that Brevard Rescue Squad is the only County agency that does not own its own land. They do own the buildings on the property. Brevard Rescue Squad wants a place to call home, have the ability to build other structures on the property when needed, and remove the barriers and complications from securing future loans. Brevard Rescue Squad vows to remain in good standing with the taxpayers.

Chief Vince Stone read a letter from the bank which spelled out the conditions of the loan and payback agreement. The payback scenarios included a balloon payment. The letter from the bank indicated that the balloon payment would be removed if the property was owned by Brevard Rescue Squad. Chief Stone informed the Board that Brevard Rescue Squad had always met their loan obligations. He reminded Commissioners of the valuable services provided by Brevard Rescue Squad and believes that the property would be of greater value to them than the County.

Commissioner Chapman commented that Brevard Rescue Squad provides vital services to the citizens of this community and that the County has identified no use for the property. Therefore, subject to first right of refusal, **Commissioner Chapman made a motion to convey the property to Brevard Rescue Squad at no cost. The motion was seconded by Commissioner Hogsed.** For clarification purposes, the motion was amended to **it is the intent of the County to convey the property to Brevard Rescue Squad at no cost and instructed staff to advertise the 10-day notice and add this item to the agenda for approval at a regular meeting on July 11, 2011.** It was noted that their formal name is Transylvania County Rescue Squad, Brevard Unit, Inc. Chairman Hawkins inquired as to how the loan will benefit Brevard Rescue Squad. Chief Stone said the bulk of the loan will go towards paying off vehicles, and the remaining will be used to supply matching grant funds and to upgrade a truck. Commissioner Phillips asked about a secondary source of funding should Brevard Rescue Squad not be able to make the loan payment. Mr. Kreigsman said there are reserve funds available that will cover up to six months of operation. Should Brevard Rescue Squad find itself in a bad financial situation, he said they would have to sell off some of their assets to meet the loan obligation. The loan consolidates their debt and gives them the titles to their vehicles. Chairman Hawkins noted that the transfer of the property terminates the lease on the property as well as terminates the obligation under the lease to compensate Brevard Rescue Squad for the building. **The motion passed unanimously.**

#### SEPTAGE PRETREATMENT

This item was discussed at the last meeting. At the request of Commissioners, this item is being brought back up for further discussion. Recently the City went out for bids on this project. The City divided the project into three parts, the third being the septage receiving station. City Council approved the bids for the first two parts. They took no action on the septage receiving station. If Commissioners decide to move forward, the contractor is willing to proceed with the project cost being as bid at \$144,606.57. The City Manager suggested that the County budget \$\$160,000 for the project which would include any change orders that may arise. The amount has been included in the FY 2012 Budget proposal.

The Manager recommended Commissioners authorize the City of Brevard to award the contract to Carolina Specialties Construction, LLC for \$144,606.57 for the septage pre-treatment facility and for staff to negotiate an agreement with the City of Brevard for Commissioners' approval.

The Manager noted that the nearest receiving station is located in Hendersonville. Buncombe County accepts out-of-county waste but Jackson County does not.

If approved, the County will set up an enterprise fund to closely monitor revenues and expenditures. The Manager also suggested that the County set the rates, not the City, because the County is making the investment into this facility for the citizens of Transylvania County.

Commissioner Chapman suggested a system of reviewing contracts on a regular basis and renegotiating them as needed. He also asked staff to evaluate whether or not Brevard should accept out-of-county waste during the contract negotiations with the City of Brevard.

Commissioner Chappell said he was initially against moving forward with constructing a new septage receiving station. He thanked staff for doing further due diligence. He expressed concern that Jackson County does not accept waste from other counties, which could be further compounded if Henderson County decided to change its policy and not accept waste from other counties.

**Chairman Hawkins moved to authorize the City of Brevard to award the contract to Carolina Specialties Construction, LLC for \$144,606.57 for the septage pre-treatment facility. The estimated total construction cost of \$160,000 is included in the FY 2012 Budget. Chairman Hawkins also instructed staff to negotiate an agreement with the City of Brevard for Commissioners' approval. The motion was seconded by Commissioner Chapman.** Commissioner Chapman inquired if the County will have the County Engineer on site to monitor the construction of the facility. The Manager assured Commissioners that the County Engineer will be on site and that no change order will be made without approval of the Board of Commissioners. Commissioner Phillips said he is not in favor of government subsidizing private business and feels there are better uses for the money. Commissioner Hogsed said this is the best option for citizens and the County. He continues to have reservations but believes his concerns will be relieved with more oversight on the County's part in terms of the agreement with the City of Brevard. Commissioner Chappell asked staff to ensure that costs for ongoing maintenance, facility upgrades, etc. are factored into the agreement so that the County will not be in this same position 20 years from now. **The motion passed by a vote of 4 to 1, with Commissioner Phillips voting against.**

#### RESOLUTION IN SUPPORT OF TRANSYLVANIA COUNTY ANIMAL SHELTER

At the last meeting, Dr. Clyde Brooks reported on potential fundraising efforts for a new animal shelter. Dr. Brooks requested a resolution from the Board of Commissioners that confirms the County's support of a new animal shelter, that the remaining funds designated for the new shelter will be committed to the construction of a new animal shelter, if private donations are sufficient to cover the remainder of the cost obligation as currently designed by the architect, and the shelter will be located on the County-owned property at Calvert near Rosman. Staff will continue to review alternatives to reduce the costs and will bring back recommendations to the Board in September.

Commissioners discussed a timeline for fundraising efforts. The Manager said Dr. Brooks will report on the fundraising plans at the next meeting.

**Commissioner Chappell moved to approve Resolution 21-11 A Resolution of the Transylvania County Board of Commissioners in Support of the New Transylvania County Animal Shelter. The motion was seconded by Commissioner Hogsed.** Commissioner Chapman said while he supports the need for a new animal shelter, he is concerned about the cost, even with public support. He preferred the option offered by a citizen for a modular design with the ability to expand. **The motion passed by a vote of 4 to 1, with Commissioner Chapman voting against.**

(Resolution 21-11 A Resolution of the Transylvania County Board of Commissioners in Support of the New Transylvania County Animal Shelter is hereby incorporated by reference and made a part of these minutes.)

#### STATUS OF HIRING FREEZE

In January 2011 Commissioners enacted a temporary hiring freeze which requires their approval before a vacant position can be filled. To date, staff has brought before the Board 8 requests for 14 positions. The Manager recommended Commissioners allow the temporary hiring freeze to expire with the understanding that the County Manager will report to the Board of Commissioners any position that becomes vacant and whether or not he has authorized the position to be filled.

Commissioner Chappell believes the Board should continue the hiring freeze and for the Manager to bring back any requests for the Board's approval. He said next year's budget is expected to be worse and the Board needs to position itself to soften the impact.

The Manager stated that in many cases there is a need to move forward quickly with filling vacancies. Today the Manager learned of an upcoming vacancy in July in Child Protective Services and staff will need authorization to move forward with the advertisement and recruitment process. Commissioner Chappell stated there is the option of calling a special meeting of the Board of Commissioners if an urgent need arises. There is also the option of filling vacancies with temporary staff or through overtime.

Commissioner Phillips supported Commissioner Chappell's reasons for continuing the hiring freeze. Therefore, **Commissioner Phillips moved to leave the hiring freeze in place. The motion was seconded by Commissioner Chappell.** Commissioner Hogsed agreed with the motion because of the budget shortfalls the County is facing. Chairman Hawkins opposed continuing the hiring freeze because it hamstrings staff. It is proven that staff has not brought forth any positions to Commissioners that are not essential. He suggested the Board wait a couple of months into the new budget and if the need arises, Commissioners can reinstitute a hiring freeze. Chairman Hawkins said this is not the role of a governing body. Rather, the role of a governing body is to provide direction to staff and let them implement that direction. Commissioner Chapman agreed with Chairman Hawkins that the Manager should be allowed to fill vacancies because that is his job. Commissioner Phillips stated that one of the roles of the Board of Commissioners is to set policy and he believes this action falls under that category. **The motion passed by a vote of 3 to 2, with Chairman Hawkins and Commissioner Chapman voting against.**

#### **NEW BUSINESS**

##### TRANSYLVANIA COUNTY BUDGET ORDINANCE FY 2012

The Manager presented the proposed Budget Ordinance for FY 2012. The proposed General Fund budget is \$39,443,666. On a comparable basis this is 0.05% below the current year budget. The proposed budget has no tax increase. The recommendation is for Commissioners to approve the Budget Ordinance for FY 2012.

Commissioner Phillips expressed concern with balancing budgets with the use of savings. He said the County should be able to balance revenues and expenditures. With that said, he still supports the budget.

Commissioner Chapman encouraged the Board to consider holding a planning workshop to identify where the County is heading and future funding sources, including what services government should and should not be providing. He believes the budget process was nonproductive. He commented that other counties have made significant tax increases, etc. and Transylvania County is in a much better situation because of the preparations that have occurred over the last couple of years.



Commissioner Chappell suggested the continuation of two-on-two meetings with the Board of Education because they were effective.

Commissioner Hogsed said he does not agree with the additional budget cuts. He said this budget buys the County another year. He pledged to do a better job of communicating what he envisions early on in the budget process with Commissioners and staff. He would prefer a budget that prepares the County for the future.

Chairman Hawkins believes this budget takes a one-year approach which is not the wisest way to plan for the County. There are issues that need to be addressed, such as infrastructure, utilities, amenities, economic development, education, workforce development, etc. in order for the County to have long term success. In his opinion, Commissioners have not shown the willingness to make the types of commitment required to deal with those issues, which does not include County government functions. The County has space needs and employee needs, and issues with maintenance, equipment and capital. He agreed that planning will be important over the next year if the Board really wants to put the County in a position to have meaningful long term economic growth. Commissioner Chappell responded and said this budget does not further hinder taxpayers while still meeting the needs of the County. Chairman Hawkins noted that Commissioners recently received a letter from the Chamber of Commerce stating that the County needs to be willing to invest in the community even it means a tax increase. Also the Manufacturers Association mentioned to him that this Board is ruining Transylvania County because of its unwillingness to make capital investments to help facilitate the environment in which meaningful economic growth can occur. He challenged the Board to have these discussions over the next year.

Commissioners thanked staff for their hard work during this budget process and for making the sacrifices and budget cuts requested by them and for putting forth a budget that included no tax increase.

**Commissioner Chappell moved to approve the Transylvania County Budget Ordinance for Fiscal Year 2012. The motion was seconded by Commissioner Chapman and passed by a vote of 4 to 1, with Commissioner Hogsed voting against.**

#### SYSTEM SAFETY PROGRAM PLAN FOR TRANSYLVANIA COUNTY

The NC Department of Transportation requires each county to have in place a System Safety Program Plan. During the last audit, the Transylvania County Transportation Department was cited for not having this in place. A new audit process starts tomorrow.

**Commissioner Chappell moved to approve the System Safety Program Plan for Transylvania County Transportation, seconded by Commissioner Phillips and unanimously approved.**

#### APPLICATIONS FOR PERMITS TO CONDUCT AERIAL FIREWORKS DISPLAYS

The 2010 Pyrotechnics Act requires the Board of Commissioners to approve all permits to conduct aerial fireworks displays in the County. The following applicants have requested permits for aerial fireworks displays and each has met the permit requirements:

1. Heart of Brevard
2. Camp Illahee
3. Camp High Rocks
4. Lake Toxaway Country Club
5. Burlingame Country Club
6. The Wilds
7. Camp Carolina
8. Jacqueline Rogow

**Commissioner Hogsed moved to approve permit applications as submitted. The motion was seconded by Commissioner Phillips.** It was noted the Fire Marshal has to submit every application to the Board of Commissioners. The Fire Marshal has the authority to set certain safety measures depending on conditions. The County is not liable for any mishaps. **The motion was approved unanimously.**

#### REQUEST FOR ADDITION TO THE STATE MAINTAINED SECONDARY ROAD SYSTEM

Staff has received a request from citizens to place Rollins Place Road under the State Maintained Secondary Road System. In order for the process to move forward, Commissioners must approve a resolution in support of their 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 NC Department of Transportation has completed all the necessary leg work and confirmed to the Clerk that all the property owners' signatures have been obtained. He requested the Board of Commissioners approve a resolution in support of the property owners' request.

**Commissioner Phillips moved to approve Resolution 20-11 Request for Addition to State Maintained Secondary Road System and instructed the Clerk to forward the necessary documents to the appropriate staff with the NC Department of Transportation office in Mills River. The motion was seconded by Commissioner Hogsed and unanimously approved.**

(Resolution 20-11 Request for Addition to State Maintained Secondary Road System is hereby incorporated by reference and made a part of these minutes.)

#### BUDGET TRANSFERS AND AMENDMENTS

The Manager presented numerous budget transfers and amendments for the Board's approval, including the addition of one for the Sheriff's Office in the amount of \$9,887. If approved, the budget would increase to \$41,229,142.

**Commissioner Chappell moved to approve the budget transfers and amendments as submitted. The motion was seconded by Commissioner Hogsed and unanimously approved.**

#### DESIGNATION OF FINANCIAL RESERVES

The Governmental Accounting Standards Board (GASB) has issued GASB Statement No. 54 Fund Balance Reporting and Governmental Fund Type Definitions that will be effective for fiscal periods that begin after June 15, 2010, meaning the fiscal year ending June 30, 2011 will be impacted. The new GASB rule changes the focus of fund balance reporting from what purposes fund balance is going to be used or appropriated for to what constraints are placed on how resources within fund balances can be used and the identification of the source of those constraints. There are five classifications:

1. Nonspendable-amounts that cannot be spent because they are either not in spendable form or legally or contractually required to be maintained intact
2. Restricted-Constraints are placed on the use of resources by:
  - Externally imposed by creditors, grantors, contributors, or laws or regulations of other governments
  - Imposed by law through constitutional provisions or enabling legislation
3. Committed-Used for specific purposes pursuant to constraints imposed by formal action of the governments highest level of decision making authority:
  - Self imposed limitation set in place prior to year end, but can be calculated after year end
  - Limitation imposed at highest level and requires same action to remove or modify

- Ordinances that lapse at year end do not meet the committed test
4. Assigned-Amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed
    - Assignments can occur anytime before issuance of financial statements
    - Assignment ability can be delegated by the Board
    - For Government Funds (exclusive of the General Fund) this is the lowest level of fund balance
  5. Unassigned- Unassigned fund balance is the lowest classification for the General Fund.

Staff recommended the following classifications:

1. Law Enforcement Officers Separation Allowance Fund-Committed
2. Retiree Health Insurance Fund-Committed
3. Fire Service District Fund –Committed

This changes the ways these funds are shown on the balance sheet but not the way they are structured.

**Commissioner Chappell moved to approve Resolutions 22-11, 23-11 and 24-11, seconded by Commissioner Phillips and unanimously approved.**

(Resolution 22-11 A Resolution to Commit Law Enforcement Officers Separation Allowance Funds, Resolution 23-11 A Resolution to Commit Retiree Health Insurance Funds, and Resolution 24-11 A Resolution to Commit Fire Service District Funds are hereby incorporated by reference and made a part of these minutes.)

#### HIRING FREEZE – REVISITED

The Manager reported during the discussion of the hiring freeze that there is an upcoming vacancy in Child Protective Services and requested Commissioners revisit the discussion.

**Commissioner Phillips moved to amend the agenda to discuss filling an upcoming vacancy. The motion was seconded by Commissioner Hogsed and unanimously approved.**

Social Services Director Stoney Blevins reported that a long time employee of the County will be retiring at the end of July. The employee is a Child Support Agent. Mr. Blevins requested the authority to post the position with the hopes of having someone hired to fill the position immediately upon the employee's retirement. He noted that one Child Support Agent position was eliminated in the budget which makes it even more imperative to fill the position quickly.

**Commissioner Hogsed moved to approve advertising for the Child Support Agent position, seconded by Commissioner Chappell and unanimously approved.**

#### MANAGER'S REPORT

The Manager reported the following:

1. Staff continues to work with the City of Brevard on procedures for bringing in animals to the animal shelter. The procedures will be in place by the end of the week.
2. Staff is trying to understand changes in the State Budget pertaining to Medicaid Transportation.
3. Effective July 1, 2011, Smart Start will be moved from the Department of Public Instruction to the Department of Health and Human Services. Staff is trying to learn about how this might impact the County.
4. Staff continues to work on alternatives for the animal shelter.

5. The NC Association of County Commissioners Annual Conference is scheduled for August 18-21 in Concord. If Commissioners are interested in attending, they should notify the Clerk.
6. There will be a public meeting on Thursday about the East Fork Bridge. The meeting will be held at the Rosman High School Auditorium at 6:30 p.m.
7. There will be a public meeting on July 12 about the Rock Creek Bridge. The meeting will be held at the Sapphire-Whitewater Community Center at 7:00 p.m. The Clerk has worked to make sure the citizens of that community are aware of the meeting.
8. The County has received a public records request for all department heads' emails for the month of February. The request is from the University of Massachusetts. They have requested the same from other counties. Their Political Science Department is studying transparency in local governments.
9. The County was notified by Standard and Poor's that its rating has been upgraded from A to A+. This is an annual rating.
10. Staff is working on finalizing the plans for the renovations of the old Sheriff's Building. Work will begin on the new roof soon.

### **PUBLIC COMMENT**

Peter Mockridge: Mr. Mockridge asked Commissioners to speak into their microphones for the benefit of the hearing impaired.

Edwin Jones: Mr. Jones spoke in reference to the agenda item about the septage pretreatment facility. He does not believe this is a government subsidy because customers pay to use the service. He encouraged the County to set the fees to cover the maintenance, operation and replacement of the facility.

Faye Yager: Ms. Yager thanked the Board for not raising property taxes. She also commented that she is having trouble finding quality people to hire for her business. She believes one of the reasons for this is that more welfare programs are hurting the workforce making people less willing to work.

### **COMMISSIONERS' COMMENTS**

Commissioner Chappell asked the Manager to pull past records about discussions over the bridge in Balsam Grove that Mr. Galloway referred to during the first public comment period. Commissioner Phillips suggested a meeting of two Commissioners and Mr. Galloway to learn more about the issue so the County can determine how it can help. The Manager said there is quite a bit of background on the matter which should be helpful to Commissioners.

Commissioner Chapman reported that he received a letter from a local realtor regarding the scheduling of property revaluations. The realtor questioned the rationale for waiting until 2016 to complete the next revaluation because of the impact it is having on the real estate market. The Manager noted that Commissioners had previously approved a four-year revaluation cycle; however since that time, a small number of sales have occurred which provides less data for doing a proper revaluation. The revaluation process is very lengthy and the Tax Administrator plans to make a recommendation in the near future to delay the process to a seven-year cycle.

Commissioner Hogsed thanked Mr. Briggs for his recommendations about the animal shelter during the first public comment period.

Commissioner Hogsed asked staff to bring back a recommendation of a plan to review contracts with municipalities in the County. He does not want the County to be in a situation like it was with the septage pretreatment facility.

Commissioner Hogsed also said he did not understand comments in the letter from the gentlemen with the Manufacturers Association saying Commissioners need to raise taxes. He asked Chairman Hawkins to pass along his contact information so he could speak with the gentleman personally. Commissioner Hogsed believes that in economic times like these the County should use its reserve funds. When economic times are better, the County can set aside funds for future use. Chairman Hawkins said he believes citizens want the Board to do everything it can do to facilitate quality, long term economic development.

Commissioner Phillips inquired about the status of the false alarm ordinance because some fire departments are continuing to have problems with this issue. The Manager said he sent a draft to Commissioners seeking input. He will re-send the draft via email.

### ADJOURNMENT

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

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board