

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
July 25, 2011 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, July 25, 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
WSQL Radio – Wanda Lu Paxton

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 HEARING

PROPOSED FALSE ALARM ORDINANCE

Due to an increasing number of false alarms over the past few years, the Board of Commissioners asked staff to draft a false alarm ordinance. Commissioners reviewed the draft ordinance at the previous meeting and instructed staff to schedule a public hearing for the July 25, 2011 regular meeting. Also, as instructed, staff followed up with the local fire and rescue departments to gather their input on the proposed ordinance and to obtain data regarding the cost of a false alarm call.

Communications Director Kevin Shook gave a brief overview of the proposed ordinance. The purpose of the ordinance is to insure that Transylvania County Emergency Services has contact or key holder information on file for alarm system owners and to reduce the number of false alarms calls due to malfunctioning systems. Alarm system owners will be penalized beginning with the third false alarm call and each false alarm call thereafter. It is recommended, but not required, that alarm users purchase a KNOX box for securing an access key to their premises for use by Transylvania County Emergency Services where a key holder is not readily available. A KNOX box could be an additional expense of \$250.

The draft proposal also includes an annual permit fee; however staff found that many counties do not charge an annual fee. Staff does not want this ordinance to serve as a hindrance to citizens and prohibit them from registering their contact or key holder information with Transylvania County Emergency Services. Commissioners can remove the permit fee from the final ordinance if they so choose.

Chairman Hawkins declared the public hearing open at 7:12 p.m. There were no comments from the public. **Chairman Hawkins declared the public hearing closed at 7:13 p.m.**

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This item will be added to the August 22, 2011 regular meeting agenda for the Board's consideration. Staff will incorporate thoughts and concerns by Commissioners and members of the local fire departments and draft a final proposal for the meeting.

PUBLIC COMMENT

Jeff McDaris: Dr. McDaris is the Superintendent of Transylvania County Schools and he spoke in opposition to the potential merger of Blue Ridge Community College (BRCC) with AB Tech in Asheville. He also spoke on behalf of the high school students who take courses at BRCC and residents who take enrichment courses and job training courses. He pointed out that BRCC was created in 1969 because the citizens in Transylvania County needed a community college to meet its community needs. Previously the college was part of AB Tech and most courses were tailored to meet the needs of people in Asheville. Dr. McDaris said it concerns him when the State thinks it knows what is best for Transylvania County. He urged Commissioners to consider a resolution opposing the merger.

AGENDA MODIFICATIONS

The Manager reported on the agenda modifications. He requested to move Item IX-A Discussion Regarding the Merger of Community Colleges to Item VI.B under Presentations/Recognitions.

Commissioner Hogsed moved to approve the 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.

The following items were approved:

MINUTES

The minutes of the June 13, 2011, June 27, 2011, and July 11, 2011 regular meetings were approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for June 28 – June 30, 2011 was approved.

CANCELLATION OF AUGUST 8TH BOARD OF COMMISSIONERS' MEETING

Commissioners voted to cancel the August 8, 2011 regular meeting. The next regular meeting of the Board is scheduled for August 22, 2011.

PRESENTATIONS/RECOGNITIONS

RESOLUTION IN RECOGNITION OF EMAGENE MAAR

Emagene Maar began work in October 1985 in the Social Services Department serving as Food Stamp/AFDC worker and since 1989 has served as a Child Support Enforcement Agent II. She plans to retire August 1, 2011. Commissioners presented her with a resolution in her recognition. Commissioners, the Manager and Social Services Director Stoney Blevins thanked Ms. Maar for her service to Transylvania County, for her passion for children and for her dedication to making a difference in people's lives.

Commissioner Chappell moved to approve Resolution 26-11 In Recognition of Emagene Maar, seconded by Commissioner Phillips and unanimously approved.

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(Resolution 26-11 In Recognition of Emagene Maar is hereby incorporated by reference and made a part of these minutes.)

DISCUSSION REGARDING THE MERGER OF COMMUNITY COLLEGES

Dr. Molly Parkhill, President of Blue Ridge Community College, was present to provide an update on Blue Ridge Community College (BRCC), specifically the Transylvania Campus, and the potential merger of community colleges as proposed by the State. Before she spoke, Commissioner Chappell announced he would recuse himself from any vote or action taken this evening with regards to BRCC since he is an employee.

The Transylvania Campus continues to experience rapid enrollment growth. The Nursing program and Automotive Systems Technology program continue to see success. The Transylvania Campus has received campus designation which will allow for the hiring of additional staff and additional funding. The Transylvania Campus has seven full time staff members, eight full time faculty members, and 77 adjunct professors. This past year the operating expenses for the Transylvania Campus totaled \$1.5 million. The Small Business Incubator also continues to be successful and now has four fully leased tenants. Dr. Parkhill believes BRCC has made a good investment in Transylvania County, and vice versa.

Dr. Parkhill reported that BRCC is facing tremendous budget cuts, as is the community college system statewide. As a result, the State legislature is proposing a merger of 22 community colleges. The General Assembly directed the Program Evaluation Division to study the most efficient and effective way to administer the local community college system and to consider the advisability of consolidating community college administration while ensuring access for students. The report was recently presented to the General Assembly's Joint Legislative Program Oversight Committee. The report contained the following recommendations:

1. Merge community colleges with fewer than 3,000 full-time equivalents with another nearby college (BRCC would become a satellite campus of AB Tech).
2. Establish a unit to develop and maintain purchasing consortiums for community colleges.

Dr. Parkhill reported that the merger saves only ½% and is not a significant savings to the State. The report by the Program Evaluation Division did not take into account the number of students who take enrichment classes (a large proportion of adults in Transylvania County) nor did it include the clients served in the Small Business Center. The study also did not take into account students served through customized training. The actual costs associated with consolidation were not taken into consideration as well. Dr. Parkhill agreed that all community colleges should continue to look for efficiencies in order to be effective. She said BRCC has already achieved savings without such a proposed consolidation. Dr. Parkhill stated she learned today that the report's full recommendation probably will not be implemented, meaning that the probability that a merger will happen is unlikely at this time.

Commissioners discussed this matter briefly and as a result of learning that the merger is unlikely to occur at this time, Commissioners took no action. Commissioners thanked Dr. Parkhill for the update and asked her to keep them informed of any future potential legislation involving the community college system.

APPOINTMENTS

DESIGNATION OF VOTING DELEGATE TO THE NCACC ANNUAL CONFERENCE

The North Carolina Association of County Commissioners (NCACC) Annual Conference will be held in Cabarrus County August 18 -21, 2011. Commissioner Chapman has expressed an interest in attending to represent the Board of Commissioners. The NCACC requires that counties formally designate a Commissioner or other representative to vote on matters on its behalf.

Commissioner Chappell moved to designate Commissioner Chapman as the Voting Delegate to the NCACC Annual Conference and instructed the Clerk to prepare and submit the necessary paperwork to the NCACC. The motion was seconded by Commissioner Hogsed and unanimously approved.

OLD BUSINESS

RESOLUTION TO CONVEY LAND TO BREVARD RESCUE SQUAD, INC.

At the June 27, 2011 Board of Commissioners meeting the Board announced its intent to convey land on Fisher Road to Brevard Rescue Squad, Inc. with the understanding that the County would have the right of first refusal if the property were to be sold. Per NC General Statute 160A-277, staff gave proper notice of the Board's intent. At the July 11, 2011 meeting the Board further discussed the conveyance of land and found that a reverter clause that had been added previously was not acceptable by First Citizens Bank. Commissioners discussed the matter further and agreed to convey the land to Brevard Rescue Squad, Inc. with the following conditions:

1. The existing lease will become null and void at the time of conveyance.
2. Brevard Rescue Squad, Inc. will grant an easement to Pharm Agra so it can access its property.
3. Brevard Rescue Squad, Inc. will pay for all legal and recording fees involved with the transaction.
4. If Brevard Rescue Squad, Inc. decides to sell the property and buildings the County has the right of first refusal to purchase the buildings and property; and Brevard Rescue Squad, Inc. will pay the County fair market value of the property at the time of the sale of the land and buildings.
5. If Brevard Rescue Squad, Inc. disbands or dissolves voluntarily or involuntarily, or becomes deadlocked as a corporate entity; or otherwise ceases to operate as a volunteer rescue squad the County has the option to purchase and reacquire the property for \$10 while assuming the debt of Brevard Rescue Squad, Inc.

These conditions have been included in the proposed resolution that Commissioners must approve in order to move forward with the process. County Attorney Curtis Potter noted that if the County does not exercise its right to repurchase the property and it is sold to a third party, the County can still recoup the fair market value of the property. First Citizens Bank has verbally committed to these conditions. The resolution gives them the ability to tweak the language as necessary but not stray away from the intent.

Commissioner Chapman moved to approve Resolution 29-11 Conveying Property on Fisher Road to Brevard Rescue Squad, Inc. The motion was seconded by Chairman Hawkins and unanimously approved.

(Resolution 29-11 Conveying Property on Fisher Road to Brevard Rescue Squad, Inc. is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION TO CONVEY SURPLUS VEHICLE TO ROSMAN FIRE RESCUE

The Emergency Services Department recently replaced a 4-wheel drive vehicle. Rosman Fire Rescue has requested the County convey the surplus vehicle to them at no cost. Per NC General Statute 160A-277 the Board of Commissioners can convey the surplus vehicle to Rosman Fire Rescue by giving a 10-day notice in the local newspaper indicating its intent to convey the vehicle, the description of the vehicle and the estimated value of the vehicle. At the July 11, 2011 meeting the Board of Commissioners announced its intent to convey the vehicle to Rosman Fire Rescue and instructed staff to proceed as outlined in NC General Statute 160A-277. Staff has complied with all the requirements.

Commissioner Chapman moved to approve Resolution 27-11 Conveying a Surplus Vehicle to Rosman Fire Rescue. The motion was seconded by Commissioner Hogsed. Commissioner Chapman

inquired about any ongoing maintenance costs and how that might affect their budget. It was reported that there would be maintenance costs involved but not enough to affect their budget.

(Resolution 27-11 Conveying a Surplus Vehicle to Rosman Fire Rescue is hereby incorporated by reference and made a part of these minutes.)

NEW BUSINESS

RESOLUTION ASKING FOR CONSIDERATION OF PUBLIC TRANSIT SYSTEM'S NEED TO PLAN FOR FY 2011-2012

In mid-June counties were notified that the North Carolina Department of Health and Human Services (NCDHHS) and the North Carolina Department of Transportation (NCDOT) were proposing to go out for bids for brokerage services for handling non-emergency Medicaid transportation services. This was the first time this had been communicated with local governments. The Manager and staff are concerned how a brokerage service will work in small rural counties like Transylvania County. Currently, Transylvania County works with local providers to provide these services.

Over the last several weeks there have been several meetings regarding this matter and as a result NCDHHS and NCDOT officials are realizing that they have not communicated the proposed changes to counties very well. Staff hopes both departments will reconsider before implementation and at minimum requests that the State reconsider its implementation date. Staff presented a resolution for the Board's consideration recommending that the implementation date be changed to July 1, 2012 at the start of a new fiscal year, rather than January 1, 2012 which is in the middle of a fiscal year. The Land-of-Sky Regional Council passed a similar resolution. If it is the intent of the State to move forward with the changes, counties need time to study this issue and make plans for implementation.

Chairman Hawkins moved to approve Resolution 28-11 Asking for Consideration of Public Transit System's Need to Plan for FY 2011-2012. The motion was seconded by Commissioner Chappell and unanimously approved.

(Resolution 28-11 Asking for Consideration of Public Transit System's Need to Plan for FY 2011-2012 is hereby incorporated by reference and made a part of these minutes.)

TAX COLLECTION SETTLEMENT REPORT

NC General Statute 105-373 requires the Tax Administrator to prepare a formal accounting and settlement of all taxes charged to be collected for FY 2011. For Transylvania County the following accounting is for FY 2011:

| | |
|----------------------|-----------------|
| Original Levy | \$22,115,794.88 |
| Motor Vehicles | 963,849.33 |
| Penalties | 17,674.92 |
| Discoveries | 551,248.42 |
| Less releases | 33,248.12 |
| Net Levy | 23,615,319.43 |
| Taxes collected | 23,496,449.34 |
| | |
| Uncollected Taxes | 118,870.09 |
| | |
| Current Collection % | 99.50% |

Other collection rates are as follows:

| | |
|-------------------------|--------|
| Brevard Fire | 99.48% |
| Rosman Fire | 99.14% |
| Little River Fire | 99.24% |
| Connestee Fire | 99.68% |
| Cedar Mountain Fire | 99.69% |
| Lake Toxaway Fire | 99.60% |
| Balsam Grove Fire | 98.65% |
| North Transylvania Fire | 99.39% |
| City of Brevard | 99.45% |
| Town of Rosman | 98.45% |
| Heart of Brevard | 99.45% |

The budgeted collection rate for FY 2011 was 99.00%. The 0.5% increase in the collection rate amounted to increased revenues in ad valorem taxes in the amount of \$117,283.11.

Commissioners thanked the citizens who pay their taxes on time and staff who work hard to collect taxes.

Commissioner Hogsed moved to approve the Tax Collection Settlement Report for July 1, 2010 through June 30, 2011. The motion was seconded by Commissioner Chapman and unanimously approved.

2011 ORDER TO COLLECT TAXES

Per NC General Statute 105-321, each year the Board of Commissioners must authorize the Tax Administrator to collect the ad valorem taxes for the ensuing year and use the necessary remedies to collect those taxes. The 2011 estimated levy for Transylvania County is \$23,575,530. The budgeted collection rate is 99.48% for a net collection of \$23,452,938.

Commissioner Chappell moved to authorize the Tax Administrator to take all legal means to collect the 2011 ad valorem taxes, seconded by Chairman Hawkins and unanimously approved.

APPLICATION FOR PERMIT TO CONDUCT AN AERIAL FIREWORKS DISPLAY

The 2010 Pyrotechnics Act requires that Boards of Commissioners approve all permits to conduct aerial fireworks displays in each county. The Transylvania County 150th Anniversary Steering Committee is requesting approval for a fireworks show on September 3, 2011 as part of the 150th Birthday Celebration. The narration for the fireworks celebration will be aired on the local radio station.

Commissioner Chappell moved to approve the permit for an aerial fireworks display for Transylvania County for the 150th celebration on September 3, seconded by Commissioner Phillips and unanimously approved.

REQUEST TO FILL VACANT POSITIONS

On Tuesday, July 19 staff received the resignation of a Social Worker III position in the Social Services Department. The duties of this position are to investigate allegations of child abuse, neglect or dependency and to connect families to services as appropriate. This position also rotates with Child Protective Services intake and on-call services at night, and on weekends and holidays with other staff in the Child Welfare Division. This position is critical for the protection of children alleged to have been abused, neglected or dependent.

In the Social Services budget submission for FY 2012, Director Stoney Blevins requested approval to reclassify a Child Support Agent 1 (CSAI) position to an Administrative Assistant I (AAI) position and it was approved with the adoption of the FY 2012 Budget. The position reclassification was submitted to

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the Office of State Personnel (OSP) in Raleigh since Social Services is part of the State Personnel System. After reviewing the duties of the position, OSP denied the request and feels the position is most appropriately classified as a Child Support Agent 1 which is the current classification. The Manager requested that the Board of Commissioners approve the position remaining as it is currently classified and allow staff to move forward with filling the position. The Board granted approval to fill the position at the previous meeting. The difference in starting salary is \$1,384 but will not require any additional funds due to lapsed salaries and recent resignations.

The Sheriff also received the resignation of a Detention Officer and is requesting to fill that position. It will more than likely be filled internally which would necessitate approval to fill a Detention Corporal's position should that occur.

After further clarification on these positions, **Commissioner Chappell made a motion to include the following:**

- 1. Allow staff to fill the Social Worker III position and in the interim allow for a temporary emergency appointment (retiree, etc.) until the full time staff member can be hired.**
- 2. Authorize the replacement of an Administrative Assistant I position with the Child Support Agent I position and authorize filling the Child Support Agent I position.**
- 3. Allow the Sheriff to fill the Detention Officer's position and if filled internally allow the internally promoted position(s) to be filled.**

The motion was seconded by Commissioner Phillips and unanimously approved.

BUDGET TRANSFERS AND AMENDMENTS

The Manager submitted the following budget amendments for approval:

1. Amendment 2- \$350 for new revenue for the School Nurse program in the Health Department
2. Amendment 3- \$6,080 carry forward for purchase of a new roll-off container that was ordered but not received until FY 2012
3. Amendment 4- \$25,000 appropriated from the Rosman Fire Rescue Reserves to be used exclusively for the replacement of 40 Self Contained Breathing Apparatus bottles that have exceeded their lifespan. This was part of the FY 2012 Budget presentation.

The FY 2012 General Fund Budget will be increased by \$6,430 (first two amendments) and therefore amended the FY 2012 Budget to \$39,506,696.

Commissioner Hogsed moved to approve the budget amendments, seconded by Commissioner Chappell and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

1. Staff continues to work on the animal shelter project. The architect is working on design changes. There is an informational meeting scheduled for August 9 at the Library about the fundraising efforts.
2. The Community Appearance Initiative has identified some properties for clean up. Staff mailed letters to the owners seeking their participation.
3. Staff remains in contact with the NC Department of Transportation on some bridge replacement projects in the County. There is a meeting scheduled on August 3 about the Rock Creek Bridge.
4. The County received a public records request from the John Locke Foundation. The Manager responded to their request today.
5. Works continues on the 150th Anniversary events.

PUBLIC COMMENT

Peter Mockridge: Mr. Mockridge thanked Commissioners for speaking into their microphones for the benefit of the hearing impaired. He also commended Commissioners for standing against a one-size-fits-all mentality.

Vince Stone: Mr. Stone thanked Commissioners, on behalf of Brevard Rescue Squad, for conveying the land to them at no cost. He also invited Commissioners to attend their 50th anniversary celebration on August 27.

COMMISSIONERS' COMMENTS

There were no further comments from Commissioners.

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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