

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
October 24, 2011 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, October 24, 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 60 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

Larry Gregory: Mr. Gregory asked the Board to consider allowing a public referendum on the sale of beer and wine in the County. He said he is speaking on behalf of several businesses in the County that would request the same from the Board.

Gerry Hunsicker: Mr. Hunsicker spoke about government subsidized housing and the lack of jobs in the County. He said he discovered there are several government subsidized investments and no local contractors have been employed to construct these projects which he is very upset about. While he understands the limits of local government, he would like the County to initiate a process to get the law changed so the County can bid projects to local contractors specifically and to remove the barriers that keep local contractors from bidding on other government jobs. Mr. Hunsicker also reminded Commissioners that he would like them to pursue a resolution against the reclassification of all trout waters in Transylvania County.

AGENDA MODIFICATIONS

The Manager reported on the agenda modifications. He requested to add Part B to Item VIII-A under New Business and add Income Maintenance II Position to Become Vacant.

Commissioner Chappell moved to approve the agenda as modified, seconded by Commissioner Phillips and unanimously approved.

CONSENT AGENDA

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

10/24/2011

The following items were approved:

MINUTES

The minutes of the October 10, 2011 regular meeting were approved.

FACILITIES USE REQUESTS

The use of the Courthouse lawn and gazebo by the Transylvania County Veterans Day Committee to hold a Veterans Day Ceremony on November 11, 2011 from 10:00 a.m. to 1:00 p.m. was approved. The ceremony begins at 10:45 a.m.

DISCOVERY & RELEASE REPORT

The Discovery and Release Report for September 2011 was approved.

PRESENTATIONS/RECOGNITIONS

WESTERN NORTH CAROLINA LIVABLE COMMUNITIES INITIATIVE

Joe McKinney, Executive Director of the Land-of-Sky Regional Council, gave a presentation on the Western North Carolina Livable Communities Consortium. The Land-of-Sky Regional Council has been awarded the Sustainable Communities Regional Planning Grant by the Department of Housing and Urban Development. The funds would be used over a three-year period to develop a regional vision for economic prosperity, quality growth, and sustainable development. A consortium of local governments, businesses and organizations in Buncombe, Haywood, Henderson, Transylvania and Madison Counties will draw on existing plans and strategies to develop a plan to foster economic prosperity through a regional vision that identifies implementable projects and plans. Local governments are being invited to participate in the process by joining the Livable Communities Consortium. To join, the Board of Commissioners must agree to and sign the consortium agreement and decide on a primary point of contact for project.

Mr. McKinney noted that the other local governments within the Land-of-Sky's region have agreed to participate and no local dollars are being requested.

Upon completion, the consortium will suggest opportunities that counties will have a choice in which to participate. Some of those opportunities will cross county lines, specifically items dealing with transportation, etc., to make for efficiencies. Federal agencies have come on board as well, the most recent being the US Department of Agriculture. As a matter of fact, Transylvania County was chosen as the location for the formal announcement of the rural sustainable development report which will be very valuable for Transylvania County.

Commissioner Chappell made a motion to agree to participate in the Livable Communities Initiative. The motion was seconded by Commissioner Hogsed and unanimously approved.

Commissioners will make the appointment for the contact person at the next meeting to allow staff time to find interested individuals.

STATUS OF FUNDRAISING EFFORTS FOR ANIMAL SHELTER AND ANIMAL SHELTER ALTERNATIVES

The Friends of the Animal Shelter has begun its fundraising campaign to help raise additional funds to construct a new animal shelter as originally designed. Dr. Clyde Brooks updated Commissioners on the status of the fundraising efforts. As of this date, the Friends of the Animal Shelter has raised nearly \$87,000. Dr. Brooks also requested permission to continue the fundraising campaign through March 2012 and provide another update to Commissioners in January 2012.

The Manager reported that the City of Brevard has agreed to help fund the animal shelter at \$100,000, payable at \$20,000 over the next five years; therefore reducing the amount the Friends of the Animal Shelter needs to raise to \$250,000.

Commissioner Chapman inquired about the staffing levels needed to operate a new shelter. Dr. Brooks believes what will be needed to run the new shelter is a shelter coordinator and volunteers, including the use of inmates.

Commissioner Chapman inquired about the timeline needed to raise the additional funds in order to build the shelter as designed. The Manager pointed out that his recommendation would allow the Friends of the Animal Shelter to continue their fundraising efforts through at least March 2012. He pointed out that the fundraising efforts continued on while the new library was under construction.

Commissioner Chapman inquired about the status of connecting onto the Town of Rosman utilities. The Manager said that the Town has considered the County's request but no decision has been made. The County will proceed with the plans to construct a well and septic system as planned.

Commissioner Phillips inquired about the length of potential time delays if the needed funds are not raised. The Manager reported that staff has already worked on a list of possible reductions. It depends on the architect, but he believes the architect can make any changes within a month's time.

Commissioner Chappell moved to allow the Friends of the Animal Shelter to continue its fundraising efforts until January 2012. The motion was seconded by Commissioner Phillips.

Commissioner Chappell said now is the time to get started on this project and he preferred not to delay any further. Commissioner Phillips agreed noting this project has been a topic of discussion for many years. Commissioner Chapman said he is still concerned about the cost so it is important that the public understands that a good portion of the cost will be covered by the public's fundraising efforts. **The motion was unanimously approved.**

PROCLAMATION VETERANS DAY 2011

In 2009, the Board of Commissioners established a Veterans Day Committee that is responsible for developing a program to honor the veterans of our community on Veterans Day. Commissioner Hogsed serves as Chair. Current Committee members are CPO Joe Parker (Retired), County Veterans Service Officer and First Sergeant Frank Pearsall (Retired), and George Poor (American Legion Honor Guard). For several years, Commissioners have approved a proclamation honoring Veterans Day.

The proclamation will be read and presented during the Veterans Day Ceremony on November 11, 2011 at 10:45 a.m. at the Courthouse gazebo.

Commissioner Hogsed moved to approve Proclamation 44-11 Veterans Day 2011, seconded by Commissioner Phillips and unanimously approved.

(Proclamation 44-11 Veterans Day 2011 is hereby incorporated by reference and made a part of these minutes.)

PROCLAMATION THE SALVATION ARMY RED KETTLE DAY IN TRANSYLVANIA COUNTY

The Transylvania County Salvation Army will hold its Red Kettle Kickoff on November 22, 2011 on the Courthouse lawn from 11:00 a.m. to 1:00 p.m. Last year, Ellen Whitesel requested the Board to proclaim Red Kettle Day as The Salvation Army began its mission to collect donations to aid needy families, seniors and the homeless in Transylvania County. At the request of Sheila Cozart who serves on The Salvation Army Board of Directors, the Manager asked Commissioners to consider proclaiming Red Kettle Day in 2011 and to allow staff to make this an annual proclamation.

Commissioner Phillips moved to approve Proclamation 45-11 The Salvation Army Red Kettle Day in Transylvania County, seconded by Commissioner Chappell and unanimously approved.

(Proclamation 45-11 The Salvation Army Red Kettle Day in Transylvania County is hereby incorporated by reference and made a part of these minutes.)

APPOINTMENTS

REGIONAL BIKE PLAN STAKEHOLDER COMMITTEE

Each county and municipality in the Land-of-Sky region has been asked to designate individuals from their respective areas to serve on a stakeholder committee for a regional bike plan. Representatives should have a general knowledge of planning and bicycle issues and will be asked to provide updates to planning staff and elected officials on a regular basis. Representatives will be asked to make a two-year commitment to serving on the committee.

Three citizens have shown an interest in serving on the committee. They are:

1. Nancy DePippo - serves on the Friends of the Ecusta Trail Board; cyclist and businessperson
2. Gary Lightfoot - Transylvania County representative for the Blue Ridge Cycle Club; cyclist
3. Mason Sexton - serves on Transylvania County Planning Board and Economic Development Advisory Board; construction

Commissioner Phillips nominated and moved to appoint Mason Sexton to serve on the Regional Bike Plan stakeholder committee. The motion was seconded by Commissioner Chappell.

Commissioner Chapman nominated and moved to appoint Gary Lightfoot to serve on the Regional Bike Plan stakeholder committee. The motion was seconded by Chairman Hawkins.

Commissioners Chappell and Phillips discussed Mr. Sexton's qualifications and said they believe his experience in the construction industry and the fact that he serves on both the Economic Development Advisory Board and Planning Board will tie in with the economic development strategy of the bike plan committee.

Commissioner Chapman said Mr. Lightfoot has a strong professional background and is well known in the biking community and therefore his experience will give him credibility on this committee.

The motion to appoint Mason Sexton failed by a vote of 2 to 3, with Chairman Hawkins and Commissioners Chapman and Hogsed voting against.

The motion to appoint Gary Lightfoot passed by a vote of 3 to 2, with Commissioners Chappell and Phillips voting against.

BREVARD BOARD OF ADJUSTMENT AND APPEAL

Fred McCrary's term expired at the end of September. He is not eligible for reappointment. Carl Brown has served as an alternate member since 2006. Board of Adjustment and Appeal Chair Rick Lasater has requested that Mr. Brown be appointed to fill the new term recently vacated by Mr. McCrary and become a regular voting member. There is one application on file to fill the alternate position but the applicant does not live within with the ETJ which is a requirement in order to serve as the County's representative. The applicant lives within City limits. The Clerk has advertised for the alternate position and will bring back a recommendation for the Board's consideration in the near future.

Commissioner Chappell moved to appoint Carl Brown to fill the vacant term as a regular voting member, seconded by Commissioner Hogsed and unanimously approved.

OLD BUSINESS

HIRING FREEZE

The Board of Commissioners enacted a “soft hiring freeze” on January 13, 2011 which requires the Board’s approval prior to advertising and filling vacancies. Since the hiring freeze was enacted only two of the twenty eight requests brought before the Board of Commissioners has been denied (Register of Deeds and Planning). The Register of Deeds position was filled with a part time person and some of the planning responsibilities are being handled by contract services. During the last meeting there was discussion among members of the Board about reviewing the policy. In response, the Manager met with Sheriff David Mahoney, Social Services Director Stoney Blevins, Operations Manager David McNeill and Human Resources Director Sheila Cozart to discuss how the freeze is impacting the departments that provide essential services.

From the meeting, the Manager learned that the Sheriff, in addition to the recent retirement of the court security officer, has a medical retirement that just occurred and an upcoming loss of a senior officer who will be transferring to a state agency. It is the Sheriff’s belief that all these positions will be filled internally which means there could be as many as four positions impacted with each of these moves as people are promoted within.

In the Social Services Department, Mr. Blevins noted that filling the Food and Nutrition Supervisor resulted in impacting three other positions because it was filled internally.

The Manager informed Commissioners that the practice of getting prior approval from the Board before advertising for and filling vacancies presents time delays, affects the delivery of services and causes apprehension in the departments. The Manager suggested that the Board return to using the policy that was in effect prior to the hiring freeze whereby department heads were required to justify to the Manager the need for filling any vacancies. The Manager would provide a status report to Commissioners at each meeting. Any reorganization that will result in additional costs to the County or any addition of a position would be brought to the Board of Commissioners for approval which is standard practice.

Commissioners expressed confidence in department heads and the Manager to make decisions with the budget in mind and to do what is best for the County. They noted it was not their intention to hinder staff’s ability to do their jobs or to create further hardships, but rather to be more transparent with the public about County positions.

Commissioner Chapman moved to do away with the hiring freeze and allow the Manager and staff to operate within the approved budgeted guidelines in the FY 2012 Budget and instructed the Manager to provide a monthly report on all vacancies approved to filled. Furthermore, all non-budgeted positions must come before the Board for prior approval. The motion was seconded by Commissioner Hogsed and unanimously approved.

NEW BUSINESS

RECLASSIFICATION OF INCOME MAINTENANCE I POSITION TO INCOME MAINTENANCE II POSITION

The Social Services Department (DSS) currently has an Income Maintenance I Position who administers Crisis Assistance programs. There are four Income Maintenance II positions that administer the Food and Nutrition program. The current caseload for the Food and Nutrition program is at 628 per worker while the state average is 498 thus indicating the need for one additional worker in the Food and Nutrition program. Rather than adding staff, Social Services Director Stoney Blevins is proposing to reclassify an Income Maintenance I (IMC I) position to an Income Maintenance II (IMC II) position which will

provide five workers to carry the caseloads. The Office of State Personnel will not allow an IMC I position to perform intake for the Food and Nutrition program.

In addition, recent changes to the Energy Assistance Program require all recipients to complete applications with their local Social Services Department. Last year, the program was administered out of Raleigh. Furthermore, all assistance associated with LIEAP requires DSS to administer the assistance through a voucher system with approved vendors. Both of these changes requires more time of the IMC I position. By reclassifying the IMC I position to an IMC II position these duties can be distributed over five employees. Mr. Blevins projects that this internal reorganization will gain half FTE productivity with no increase in the head count.

The annual added cost for the reclassification is \$1,734. Since the costs associated with this position are eligible for State/federal reimbursement at 50%, the net annual cost to the county would be \$867. Mr. Blevins proposes to make the change effective December 5, 2011. For FY 2012 the added cost could be absorbed within the current budget due to lapsed salaries.

Commissioner Chappell moved to approve the reclassification of an IMC I position to an IMC II position, seconded by Commissioner Hogsed and unanimously approved.

INCOME MAINTENANCE II POSITION TO BECOME VACANT

Because the Board lifted the hiring freeze, this item no longer requires approval by the Board.

BIDS FOR SIDEWALK AT PUBLIC SAFETY FACILITY

When the Public Safety Facility was built the County was allowed to delay the construction of the sidewalk because excess dirt had to be removed from the site first. Almost all the dirt has been removed and the deadline to construct the sidewalk is near.

The County received seven bids for the project with the lowest responsible bid being from Owen Concrete, LLC at \$20,552. The Manager suggested Commissioners allow 5% contingency for the project in order to cover any unexpected costs or issues that may arise, therefore bringing the total project cost to \$21,580. There are already funds set aside for this project in Fund Balance.

Commissioners discussed at length their disappointment with the City's UDO requirements. They believe the money to build a sidewalk could have been put to better use. However, Commissioners understood they are fulfilling their obligations to the City by continuing with this process.

Chairman Hawkins moved to approve the bid from Owen Concrete, LLC for \$20,552 and authorize \$21,580 for the project with the funds to come out of funds reserved for this project. The motion was seconded by Commissioner Chappell and passed by a vote of 4 to 1, with Commissioner Chapman voting against.

REGIONAL BROWNFIELDS INITIATIVE

The Manager reported there may be a 40% cut in funding for Brownfields clean up across the nation. In order to position the Land-of-Sky Regional Council to continue receiving Brownfields funds the Council of Government is asking the four counties and the City of Asheville to form a coalition for the purpose of applying for a \$1 million grant to conduct a community wide assessment. A member government agrees that Land-of-Sky will be the lead member of the coalition and will be responsible for administering the grant, be accountable to the US Environmental Protection Agency for proper expenditure of funds and be the point of contact for coalition members. There will be no cost share to the coalition members.

Commissioner Chappell moved to agree to be a member of the Regional Brownfields Initiative Coalition for the purpose of applying for and the subsequent award of a community wide USEPA

Brownfields Assessment Coalition Grant in the amount of \$1 million. The motion was seconded by Commissioner Phillips and unanimously approved.

PRIORITIZATION OF TRANSPORTATION PROJECTS FOR RURAL PLANNING

ORGANIZATION

The Rural Planning Organization (RPO) is in the process of submitting road improvement projects to the NC Department of Transportation (NCDOT) for future consideration. The NCDOT has identified a number of projects in Transylvania County. The Transylvania County Transportation Committee met on October 18 to discuss the list of highway projects and agreed to prioritize the projects in the following order:

1. Wilson Road
2. North Country Club Road
3. Neely Road
4. Old US 64
5. Everett Road
6. Hart Road
7. Azalea Avenue

Commissioner Chappell moved to approve the prioritized list submitted by the Transylvania County Transportation Committee, seconded by Commissioner Hogsed and unanimously approved.

BUDGET AMENDMENTS AND TRANSFERS

The Manager presented the budget amendments and transfers for Board approval as follows:

1. No. 15: \$2,500 for a grant received by the Health Department.
2. No. 16: \$53,000 from Fund Balance for Phase II of the Community Park near Rosman already approved by the Board.
3. No. 17: \$12,000 from Fund Balance for storm water control already approved by the Board of Commissioners.
4. No. 18: \$489 to come for the actuarial study of the LEOK Pension Plan. This was budgeted in FY 2011 but was not completed. \$250 is carry forward from FY 2011 and \$239 is to come from contingency.
5. No. 19: \$13,018 to come from insurance claims related to lightning damage.
6. No. 20: Information purposes only - transfer within departmental expenses.

These amendments increase the General Fund budget by \$80,189 (excluding the \$239 from contingency and \$579 for the Solid Waste Fund due to lightning damage).

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

MANAGER'S REPORT

The Manager reported the following:

1. There was a glitch with the bids for the renovations of the old Sheriff's Office. Staff will re-bid the project and bring back a recommendation in late November or early December.
2. The NC Department of Transportation requested letters from County emergency services departments about the negatives for reconstructing the existing NC 215.
3. A public meeting on the East Fork Bridge replacement will be held in November.
4. Planning for the Davidson River Village connector road continues. The NC Department of Transportation is working on the traffic feasibility study.

5. November 17 is the date for the announcement of the rural sustainable development report. Staff is working on planning the day which will be a great experience for Transylvania County.
6. Staff continues to work on the False Alarm Ordinance.
7. Staff reviewed the sealed closed session minutes and there are none to unseal at this time.
8. Staff will present the audit at the second meeting in November.

PUBLIC COMMENT

Don Surrette: Mr. Surrette pointed out that federal grants are still taxpayer dollars. He also expressed a concern about the danger bikers pose to motorists and suggested bike lanes that are paid for via user fees.

Mr. Surrette reported that approximately 25 people attended the ceremonial chestnut tree planting at the Allison-Deaver House.

Eleanor Mockridge: Ms. Mockridge thanked the Board of Commissioners for lifting the hiring freeze on vacant County positions.

Gerry Hunsicker: Mr. Hunsicker expressed disappointment about the County's hands being tied with the sidewalk issue. He again commented about the subsidized housing projects that are being constructed in the County and inquired about how outside contractors being hired for these jobs benefits Transylvania County.

COMMISSIONERS' COMMENTS

Commissioners Chapman and Chappell recently met with Senator Tom Apodaca who will be the County's new Senator if the redistricting maps are approved. Commissioner Chapman said he does great work and is very supportive of Transylvania County.

Chairman Hawkins reported that he attended an awards ceremony earlier and presented 2011 business awards as follows: Retailer of the Year: Love's Jewelry; Manufacturer of the Year: Smith Systems, Inc; Entrepreneur of the Year: McNeely Companies; and Chairman's Choice Award: John Felty.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board