

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
January 9, 2012 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, January 9, 2012, at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Vice-Chairman Larry Chapman, Jason Chappell, Chairman Mike Hawkins, Daryle Hogsed, and Kelvin Phillips. Also present were County Manager Artie Wilson, County Attorney Curtis Potter, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Mark Todd

There were approximately 30 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

APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR SCATTERED SITE HOUSING REHABILITATION

Planning and Economic Development Director Mark Burrows reported that Transylvania County is eligible to apply for Community Development Block Grant (CDBG) Funds in various categories, including Scattered Site Housing Rehabilitations. A public hearing is required before the County can make application. The application due date is March 30, 2012. The public hearing allows the County to apply for more than one category of funds if there are viable projects related to scattered site housing, infrastructure, small business and entrepreneurial assistance. A second public hearing must be conducted prior to submittal of an application.

For this year, Transylvania County is eligible to apply for \$400,000 in CDBG Scattered Site Housing Rehabilitation grant funds. Mr. Burrows stated that it is likely the County will apply for these funds as it has done in the past. The purpose of this public hearing is to inform citizens about the availability of these funds and Transylvania County's intentions to apply for these funds.

Mr. Burrows explained that these funds will be used to rehabilitate homes for low income or handicapped individuals. The average cost of rehabilitating the homes is approximately \$42,000 and homes must be brought up to building standards. There is also emergency funding available up to \$5,000 per structure. There are several eligibility requirements and the applicants are selected by a committee made up of a diverse group of members of the community and subsequently approved by the Board of Commissioners.

Chairman Hawkins declared the public hearing open at 7:13 p.m.

Gerry Hunsicker: Mr. Hunsicker inquired about whether or not these construction jobs would be awarded to local contractors. Mr. Burrows responded that the administering agency, Benchmark, CMR, Inc., advertises in the local newspaper and noted several of these projects have been completed by local contractors in past years; however because the funding comes from government grants and are administered by County government, the County is required by law to award contracts to the lowest qualified responsible bidder, even if the contractor comes from outside the County.

Mike West: Mr. West asked if the grant required a local match. Mr. Burrows said this particular grant does not require matching funds from the County or the individual receiving the funds. The funds are given in the form of a loan and then forgiven over an eight-year period. The only additional costs are related staff time.

A lady from the audience who did not identify herself asked if it has always been a requirement that the rehabilitation project must bring a home up to building standards. Mr. Burrows replied that this practice has been a requirement since at least 2002. He noted that emergency repairs address only specific areas of concern.

Mr. Burrows further reported that there is a waiting of list individuals wanting assistance through these grant funds. A committee designated by the Board of Commissioners evaluates the applications based on the eligibility factors and then determines which homes will receive assistance. The goal is to positively affect six to eight homes in the community and help five to seven others with emergency repairs.

There were no further comments. **Chairman Hawkins declared the public hearing closed at 7:20 p.m.**

PUBLIC COMMENT

Gerry Hunsicker: Mr. Hunsicker spoke about government subsidized housing and the lack of jobs in the community. He pointed out there are several government subsidized investments and no local contractors have been employed to construct these projects. Mr. Hunsicker also expressed great concern about how the City's UDO and other regulations burden businesses, citizens and the economy as a whole. He urged Commissioners to create a business friendly environment and not obstruct those wanting to start and grow their businesses here. Mr. Hunsicker concluded by saying how unfortunate it is that young people today do not have the same opportunities he did.

John Dillon: Mr. Dillon expressed concern about added costs to projects because of undue regulations and laws being placed upon citizens and businesses. He gave an example of how recent additions to Brevard Community Church cost the Church a few thousand more dollars to implement water runoff measures and pay for a sidewalk that was not constructed. Mr. Dillon commented that the City deposits these funds into a discretionary fund to do with what it wishes at taxpayers' expense and at which the taxpayers' are getting nothing in return. Mr. Dillon described this practice as extortion because if the Church did not pay the required fees the City would not issue a Certificate of Occupancy.

Commissioner Chapman reminded everyone that the UDO is a City regulation and encouraged them to address their concerns about the UDO at a City Council meeting.

AGENDA MODIFCATIONS

There were no agenda modifications.

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 Phillips and unanimously approved.

The following items were approved:

MINUTES

The minutes of the December 12, 2011 regular meeting were approved.

FACILITIES USE REQUESTS

The use of the Community Services Building Conference Room by the Transylvania TEA Party on January 24, 2012, February 23, 2012, March 22, 2012, April 24, 2012 and May 22, 2012 from 7:00 p.m. to 8:00 p.m. for regular meetings of its members was approved.

PRESENTATIONS/RECOGNITIONS

ANNUAL REPORT – THE HONOR GUARD FOR THE VETERANS OF TRANSYLVANIA COUNTY

The purpose of the Honor Guard is provide military funeral honors for veterans in Transylvania County, participate in parades and memorial services, and to promote recognition for those men and women who have served their country in the military. George Poor, Commander of the Honor Guard for the Veterans of Transylvania County, gave a report of the organization's events and expenses during the time period July 1, 2010 through June 30, 2011 and highlighted the following:

Events

Funerals conducted	38
Flag services	23
Parades	2

Expenses

Reimburse members for organizational dues (\$360)
 Gasoline expenses (\$320)
 Cleaning uniforms (\$84.81)
 Uniform alterations (\$208.20)
 Blank ammunition (\$172.79)
 Donations to VA Hospital and veteran organizations (\$300)
 Donation of flags and other materials to local community, including flagpole and flag at Rosman High School baseball field (\$1205.53)

Expenditures total \$2,651.33.

Mr. Poor reported that some of the organization's goals for 2012-2013 include the following: 1) furnish flag bags for families, 2) acquire caps with the Transylvania County Honor Guard logo, 3) recruit new members, and 4) purchase summer uniforms.

Transylvania County contributes \$2,400 a year to the Honor Guard to help cover their expenditures. The Honor Guard used to receive State funding until 2010 but that no longer occurs. They also receive donations to help cover expenses. Commissioners thanked Mr. Poor and the members of the Honor Guard for the services they provide and for proudly serving this great nation. In recognition of the Honor

Guard for the Veterans of Transylvania County, Commissioners presented Mr. Poor with a resolution in their honor.

Commissioner Hogsed moved to accept the report and to approve Resolution 01-12 In Recognition of the Honor Guard for the Veterans of Transylvania County. The motion was seconded by Commissioner Chappell. Commissioners again thanked Mr. Poor and the members of the Honor Guard and commented that the citizens of the community are also very much appreciative of their service and for all they do in the community. **The motion was unanimously approved.**

Commissioner Chapman reported he recently learned that flags awarded to family members of deceased veterans are showing up in consignment shops and he encouraged citizens to retire these flags instead of allowing businesses to make money off of them. Mr. Poor agreed and said he recently purchased two and had them cleaned for reuse.

(Resolution 01-12 In Recognition of the Honor Guard for the Veterans of Transylvania County is hereby incorporated by reference and made a part of these minutes.)

IN RECOGNITION OF EVELYN R. OWEN

Evelyn Owen has been an employee of Transylvania County for 22 years. During her work experience she has served as Educational Development Aide and Teacher I where she has provided support and assistance to special needs and typically developing children. Social Services Director Stoney Blevins and Commissioners wished her the best in her retirement and thanked her for her service to Transylvania County. Mr. Blevins accepted a resolution in her honor on her behalf since she was unable to attend the meeting.

Commissioner Chappell moved to approve Resolution 04-12 In Recognition of Evelyn R. Owen, seconded by Commissioner Hogsed and unanimously approved.

(Resolution 04-12 In Recognition of Evelyn Owen is hereby incorporated by reference and made a part of these minutes.)

IN RECOGNITION OF THE SOIL AND WATER CONSERVATION DISTRICT OFFICE

The Transylvania County Soil and Water Conservation District Office was recently chosen out of the 16 western counties as the Soil and Water Conservation District of the Year. Their numerous accomplishments are highlighted in their annual report. Commissioners presented Soil and Water Conservation District Director Jeff Parker and his staff with a resolution recognizing the Transylvania County Soil and Water District Office for being chosen as the District of the Year and thanked them for their continued service to the citizens of Transylvania County.

Commissioner Phillips moved to approve Resolution 02-12 In Recognition of the Soil and Water Conservation District Office. The motion was seconded by Commissioner Hogsed. Commissioner Phillips pointed out that the Soil and Water Conservation District Board and staff has a vested interest in conservation and they have worked really hard. He commended them for being such a tremendous help to farmers and landowners and said they are well deserving of this award. **The motion was unanimously approved.**

(Resolution 02-12 In Recognition of the Soil and Water Conservation District Office is hereby incorporated by reference and made a part of these minutes.)

For Commissioners and the members of the audience, Mr. Parker and staff described in greater detail what the Soil and Water Conservation District (SWCD) does in Transylvania County. He first introduced

the members of the Soil and Water Conservation District Board. The District is made up of a five person Board, three of which are elected, and the other two are appointed. The Board meets monthly and supports staff with its mission to conserve, enhance, and promote, the natural resources of Transylvania County by providing technical assistance, environmental education, and economic incentives to County citizens through a diversified voluntary program designed to meet changing needs. Mr. Parker emphasized that the SWCD is strictly non-regulatory and offers services on a voluntary basis. SWCD is a division of the NC Department of Agriculture.

Mr. Parker spoke briefly about two programs offered by SWCD. The Agriculture Cost Share Program is a voluntary program to protect water quality by installing best management practices on agricultural lands. This approach is supported by financial incentives, technical and educational assistance, research, and regulatory programs provided to farmers by the SWCD. The Community Conservation Assistance Program is a voluntary, incentive-based program designed to improve water quality through the installation of various best management practices on urban, suburban and rural lands, not directly involved in agricultural production.

Bob Twomey, District Conservationist with the US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), spoke next. Mr. Twomey said the USDA provides assistance to all Soil and Water Districts in the country also on a non-regulatory and voluntary basis. The NRCS administers the Environmental Quality Incentives Program (EQIP) to assist landowners voluntarily apply best management practices to their working agricultural lands. This program is the federal equivalent of the NC Agriculture Cost Share Program. Mr. Twomey reported that NRCS brought in \$2.5 million into the County through the Emergency Watershed Protection Program for repairs after several hurricanes damaged the area a few years ago. In the last 10 years, both agencies working together have brought in over \$7 million into the County.

District Education Coordinator Jo Ann McCall spoke next. She said the goal of the education programs is to teach students and others about conservation. She does that in the School System through poster, speech and essay contests which reach over 900 students. This year she gave 40 classroom presentations designed to teach students why water is so important and ways to conserve it. Students also got a hands-on demonstration of watersheds using the Enviroscape watershed model. Ms. McCall does these demonstrations to civic groups upon request as well. This year the SWCD hosted the 40th Annual Seventh Grade Conservation Field Day, a local program that the SWCD is really proud of and is made possible through the good working relationships the SWCD has with other organizations.

Ms. McCall described the Resource Conservation Workshop which is designed to give high school students a chance to see firsthand, careers in natural resources. Qualified high school students attend a weeklong event at NC State University sponsored by the Division of Soil and Water Conservation. Transylvania County had three students attend this year. The District's Annual Tree Seedling and Plant Sale's proceeds help the Brevard High School FFA Chapter to use for scholarships for camps and meetings and supports other educational resources as well. Furthermore, the SWCD sponsored a booth at the Mountain State Fair, participated in the VISION Brevard/Transylvania Natural Resources Tour, Woodland Series courses, and teacher workshops, and awarded the conservation educator of the year award and farm family of the year award. This year the farm family of the year was the winner of the NC State Conservation Farm Family of the Year Award. The District hosted the annual NC State Conservation Farm Family Celebration for the Lenze Family at Everett Farms in recognition of their efforts to protect water quality and promote conservation education.

Mr. Parker concluded by saying that all the efforts mentioned during this presentation has helped keep over 63,000 tons of sediment from entering Transylvania streams. He thanked the Board for the opportunity to make this presentation.

APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW

The term of Gus Constantine expires at the end of January. He is eligible and willing to serve a full term. Mr. Constantine was appointed to fill a partial term in August of 2010. Including Mr. Constantine's, there is a total of three applications on file. Also, it is the responsibility of the Board of Commissioners to appoint a chair annually.

Commissioner Chapman moved to reappoint Gus Constantine to a full term and to reappoint Gay Phillips to serve as chair for 2012, seconded by Commissioner Phillips and unanimously approved.

RECREATION ADVISORY BOARD

The terms of David Galloway and Heather Layton expire at the end of January. Both are eligible and willing to serve another term. There are two additional applications on file. It is also the responsibility of the Board of Commissioners to appoint a chair annually.

Commissioner Phillips moved to reappoint David Galloway and Heather Layton to serve another term and to reappoint Sandi Hosey as chair for 2012, seconded by Commissioner Chappell and unanimously approved.

PLANNING BOARD

The terms of Jay Kaiser and Mark Tooley expire at the end of January. Both are eligible and willing to serve another term. It is the recommendation of Planning Director Mark Burrows to reappoint them both. There are a total of six applications on file. It is also the responsibility of the Board of Commissioners to appoint a chair annually.

Commissioner Chapman nominated and moved to appoint Mark Peddy. Commissioner Chapman offered some background information on Mr. Peddy to support his nomination. **The motion was seconded by Commissioner Chappell.**

Commissioner Chappell moved to reappoint Jay Kaiser to a subsequent term. The motion was seconded by Commissioner Hogsed.

Commissioner Hogsed moved to reappoint Mark Tooley. The motion was seconded by Chairman Hawkins.

The motion to appoint Mark Peddy passed by a vote of 3 to 2, with Chairman Hawkins and Commissioner Hogsed voting against.

The motion to reappoint Jay Kaiser passed unanimously.

The motion to reappoint Mark Tooley failed by a vote of 2 to 3, with Commissioners Chapman, Chappell, and Phillips voting against.

Commissioner Phillips moved to reappoint Mason Sexton as chair for 2012. The motion was seconded by Commissioner Chappell. Chairman Hawkins said he is hesitant to reappoint Mr. Sexton at this time since he has been chairman of the Planning Board for four years already. Commissioner Chapman said he is open to tabling the appointment and reexamining others who may be interested in serving as chairman. Commissioner Phillips pointed out that the Planning Board appointments expire at the end of January and there is another Board meeting before that occurs. **Commissioner Phillips withdrew his motion.**

Mason Sexton announced from the audience that he would like to remove his name for consideration as chairman of the Planning Board.

Commissioner Chappell moved to table the appointment of chairman to the Planning Board until the next meeting on January 23, 2012, seconded by Commissioner Chapman and unanimously approved.

NEW BUSINESS

CLOSING THE TRANSYLVANIA COUNTY SESQUICENTENNIAL

Transylvania County celebrated its 150th Anniversary as a County in 2011. The celebration began on New Year's Day with the opening of the second floor of Silvermont and concluded with a closing event on Saturday, December 3, 2011. The yearlong event celebrating the Sesquicentennial was a great success and will be remembered for years to come. The Manager thanked Commissioners for their willingness to commit funds over the past several years to make 2011 successful. Commissioners approved a resolution to officially close the Sesquicentennial celebration and thanked all those involved with the celebration.

Commissioner Chappell moved to approve Resolution 03-12 Closing the Transylvania County Sesquicentennial and seconded by Commissioner Chapman. Commissioner Chapman said this resolution is a fitting closing statement to a great year and he hopes the County and its citizens will build upon the enthusiasm from 2011 on into the future. **The motion was unanimously approved.**

(Resolution 03-12 Closing the Transylvania County Sesquicentennial is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES

Sheriff Mahoney has requested that the Board of Commissioners adopt a resolution to allow the Sheriff to enter into mutual assistance agreements with other law enforcement agencies in accordance with reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies. A resolution was first approved by Commissioners in January 2009 and according to the minutes should be approved annually. The Board last approved such a policy in January 2011.

Commissioner Phillips moved to approve Resolution 05-12 Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies, seconded by Commissioner Hogsed and unanimously approved.

(Resolution 05-12 Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies is hereby incorporated by reference and made a part of these minutes.)

BUDGET AMENDMENTS

Finance Director Gay Poor presented two budget amendments for consideration and approval:

1. #29 – appropriation of \$1,600 in additional matching funds received from the State to Soil and Water for education
2. #34 – to record receipt and payment of \$42,612 in funds received by Social Services for the Low Income Emergency Assistance Program

These amendments increase the General Fund Budget by \$44,212. The total amended budget equals \$39,936,798.

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

MANAGER'S REPORT

The Manager reported the following:

- Since the last report, the Manager authorized filling a position in the New Adventure Learning Center. The person in the Education Development Aide position retired effective January 1, 2012.
- The Baxley case was scheduled to be heard in Superior Court the week of January 2 but the case was continued to a later date; date to be determined.
- The renovation project on the old Sheriff's Building is beginning. The contractors have signed the necessary contracts and received the proper permits. The demolition is mostly complete.
- Discussions are ongoing with the Mayor of Rosman regarding hooking onto the Town of Rosman's utilities for the animal shelter. The Manager is optimistic that an agreement can be reached.
- Work continues on phase 2 of the Community Park near Rosman. Posts for the backstop and fences have been installed on the large field. Weather permitting; the fence from the Woodward will be moved to the smaller field in the next few days.
- Staff is working on a Parks and Recreation Trust Fund (PARTF) Grant for the next phase of the Community Park near Rosman. Staff will make a presentation to the Board at the next meeting.
- Staff continues to work on a False Alarm Ordinance and will follow up with the Board soon.
- The Manager is working on a proposed budget schedule.
- The Building and Permitting Department will make a presentation at the next meeting.

Commissioner Chapman encouraged Commissioners to attend the Rosman Board of Aldermen meeting on Tuesday evening. He will be out of town and unable to attend.

In response to a question from Chairman Hawkins, the Manager said work is on schedule for the Community Park to be operational for the coming spring.

PUBLIC COMMENT

Mason Sexton: Mr. Sexton announced his resignation from the Economic Development Advisory Board and Planning Board effective this date.

Gerry Hunsicker: Mr. Hunsicker asked the Board to consider building the new animal shelter at the Public Safety Facility site because he believes significant savings could be achieved by allowing inmates to care for the animals. Also he believes the site is a better location which would result in more adoptions.

Robin Crowe: Mr. Crowe agreed with Mr. Hunsicker's comments and said this option should be considered.

The Manager noted that there is already a plan in place to use inmate labor in the operation of the new animal shelter.

COMMISSIONERS' COMMENTS

Commissioner Chappell made an announcement about a benefit scheduled for Shane Mackey, a resident of Transylvania County and area firefighter who was recently injured. The spaghetti dinner benefit will

be held at Little River Baptist Church on Saturday. The Little River Volunteer Fire Department will be hosting the dinner. Donations can also be made to the Carolina Mountain Credit Union.

Commissioner Chapman announced that Senator Jim Davis will hold a Town Hall meeting on February 21, 2012 in the Rogow Room at the Transylvania County Library. The meeting is open to all members of the public.

Commissioner Hogsed offered his condolences to the family of Johnny Rogers, the former Mayor of Rosman, who passed away last week.

Commissioner Hogsed responded to Mr. Hunsicker and Mr. Crowe and encouraged them to continue offering their thoughts and suggestions to the Board because it is important for the Board to explore all possible solutions and do the right thing for the citizens of this County. He also responded to Mr. Dillon's comments from earlier in the meeting about the sidewalks and agreed that they were a waste of money.

Commissioner Chappell responded to Mr. Hunsicker and Mr. Crowe about suggesting the animal shelter be built at the Public Safety Facility site. He said that the site has already been considered for the animal shelter but upon investigation it was determined not to be a good choice. Other sites were explored as well. Furthermore, this site falls under the purview of the UDO which will, because of added regulations, increase the cost of the animal shelter.

Chairman Hawkins responded to the UDO and sidewalks discussion and pointed out that the County is still in the process of discussions with City Council members about constructing sidewalks at the Public Safety Facility. Furthermore, he said that Brevard City Council is an elected Council just like the Board of Commissioners and as an elected Council the members will do what they think is best for the citizens of their jurisdiction.

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