

**MINUTES  
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS  
January 23, 2012 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, January 23, 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 50 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding called the meeting to order at 7:03 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**

**SECTION 5311 TRANSPORTATION GRANT**

Transportation Director Keith McCoy requested permission to apply for federal transportation grant funding titled Section 5311. Section 5311 funds allow the County to provide human services and general public transportation services to the citizens of Transylvania County. A Public Hearing is required in order to make application.

Mr. McCoy reported the grant covers most of the administrative and capital costs for the Transportation Department. The State has capped the funding for administrative costs and the request has been the same for the last three years. The request includes a small amount in capital funds to replace a desktop computer. There is no need for any new vehicles in the coming year. For FY 2012, the County is requesting to make application for \$179,518. There is a required local match of 15%, or \$26,855. The application is broken down as follows:

<b>Project Share</b>	<b>Total Amount</b>	<b>Local Share</b>
Administrative	\$178,068	\$26,710 (15%)
Capital	\$ 1,450	\$ 145(10%)
	<hr/> \$179,518	<hr/> \$26,855

Mr. McCoy requested that the Board approve the application at this same meeting in order to meet the application deadline. Also, he announced there were Title VI Public Involvement forms available for the public.

**Chairman Hawkins declared the Public Hearing open at 7:08 p.m.**

Don Rogers: Mr. Rogers works with several nonprofit organizations and he said transportation is the biggest issue he hears about often. He believes the County should do more in this area to help citizens. He commented that the WCCA in Henderson County uses grant funds and other monies to provide a dependable bus service to its citizens. Any person with low income can use the bus system for transportation to their job, medical appointment, etc. Mr. Rogers wondered how Henderson County is able to provide this service and said he hopes Transylvania County will consider providing such services in the future.

There were no further comments. **Chairman Hawkins declared the Public Hearing closed at 7:10 p.m.**

### **PUBLIC COMMENT**

Gerry Hunsicker: Mr. Hunsicker said that in his research he found that only three contractors in Transylvania County are certified to deal with lead-based paint, and not most contractors as was reported at the meeting on January 9, 2012. He continued to express concern about grant-related and federal funded construction jobs in the County that are being awarded to contractors outside the County and urged Commissioners to do more to educate local contractors about these jobs. Mr. Hunsicker also expressed concern with the fact that a grant administrator is paid 10% of the grant award to manage the scattered site housing grant. He said those duties should be handled in-house and the money saved should go to help more County residents. Mr. Hunsicker said he does not understand how other counties are attracting more jobs and wondered what Transylvania County is doing wrong.

Mr. Hunsicker also inquired about the status of a resolution opposing all stream reclassifications in Transylvania County. Chairman Hawkins responded that staff has drafted a resolution and Commissioners may discuss this at the meeting on February 13, 2012.

### **AGENDA MODIFICATIONS**

The Manager reported on the agenda modifications. He requested to add Item VII.B Planning Board under Appointments. He also requested to move Item XII.A Closed Session per NCGS 143-318.11 (a) (6) to discuss the annual review of the County Manager to Item XII.B and add Item XII.A Closed Session per NCGS 143-318.11 (a) (3) to consult with an attorney reference potential litigation.

**Commissioner Hogsed moved to approve the agenda as modified, seconded by Commissioner Chappell and unanimously carried.**

### **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 January 9, 2012 regular meeting were approved.

#### DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for the month of December 2011 was approved. The total releases for the month of December for all jurisdictions were \$5,059.95 and \$94.79 was refunded.

## PRESENTATIONS

### BUILDING REPORT FOR CALENDAR YEAR 2011

Building Permitting Director Jeff Fisher gave his annual departmental report for calendar year 2011. He reported that the residential additions and alterations permits recorded the greatest number since 2003 which is a good sign. There were 62 new homes started in 2011 which is down from previous years. The figures for 2010 are better probably because of tax incentives made available to first time homebuyers. His department also saw a lot of movement in single trade permits because of the tax incentives offered as well. Mr. Fisher said the year's jobs were spread evenly across the County, but noted the activity was stronger in the Highway 64 West area and weaker in the City of Brevard. He reported that the average value of the new homes was \$462,000. Six of those new homes were valued at greater than \$1 million.

For the purpose of the audience, Commissioner Chapman reported that in 2007 there were 236 new house permits issued and that number has declined ever since which he said is indicative of the current state of the economy and the impact it has had upon citizens.

Chairman Hawkins commented that the total permits appear to be down approximately 10% since 2007. He inquired about the different types of permits and the labor required from the inspectors. Mr. Fisher said there is a slight bias towards new homes and new commercial structures depending on the size. Some homes, specifically the ones over \$1 million in value, creates a lot of work for the inspection department because the number of inspections required increases and are more comprehensive. Mr. Fisher reported that many of the remodels and restorations have also been quite large and has required several inspections.

Commissioner Chapman noted the significant decrease in the total fees collected compared to previous years. In 2007, the County collected \$593,453 in fees and in 2011 fees collected totaled \$248,722. This decrease significantly impacts the local economy as well the County's operating budget. Mr. Fisher noted that the County has not increased permit fees in a number of years.

Commissioner Phillips commented on Chairman Hawkins' statement about a 10% decline in permits issued since 2007 and said this decrease represents about one third of the value from 2007 which affects the tax base.

Mr. Fisher discussed his departmental activity. He reported that the permitting software his office uses is old and obsolete. He is working with a local software firm to develop a replacement that will blend with the existing mobile software that was created by the same firm. Mr. Fisher noted that the Homebuilders Association as conformed well with the County's new Erosion Control Ordinance and contractors are installing and maintaining protective measures. Also, the Floodplain Administration is proceeding well. Fortunately, due to the risks and costs involved, there is not much building taking place in the floodplain; however many people are inquiring about the flood maps and how they relate to their property. All floodplain documents have been converted to digital format. The government requires that these documents be kept forever. There has not been any significant flooding since 2005 and there are procedures in place for action should there be an event.

Mr. Fisher reported that all inspectors are attending their mandated continuing education classes. He also reported that all building codes are in a code changing cycle this year and his office will relay any changes to contractors to ensure a smooth transition.

Mr. Fisher reported his staffing levels as three inspectors, one administrator plan reviewer and one permit specialist. Since the economic downturn in the construction industry, he has lost two inspectors and one part time permit clerk equaling a 40% reduction in staff. He said it is difficult to cover absences and he

fills in to cover inspections when that occurs. Sometimes the office closes temporarily to accommodate all the services. Mr. Fisher invited Commissioners to spend a day with inspectors to learn more about the department.

Commissioner Chapman inquired about the cost of the new software. Mr. Fisher said he is putting together a proposal for the software firm and he expects to get a cost analysis from them. He reported that the software firm has already done much of the work because they designed the mobile software that inspectors use today. Even so, the software is quite expensive.

Chairman Hawkins thanked Mr. Fisher for his presentation and for the work he and his staff do on a daily basis.

## APPOINTMENTS

### BOARD OF HEALTH

There are two General Public member positions that are currently vacant on the Board of Health. The Board of Health has reviewed the applications and recommends the appointment of Chris Biecker and Dr. James Holimon for the General Public member positions.

**Commissioner Hogsed nominated and moved to appoint Chris Biecker and Dr. James Holimon to represent the two General Public members on the Board of Health, seconded by Commissioner Chappell and unanimously approved.**

### PLANNING BOARD

At the previous meeting, Commissioners tabled the appointment of Planning Board chair to this meeting. Also at the previous meeting there was a sudden resignation from the Planning Board. Because of this, staff decided not to add this item to the agenda which would give the Board more time to vet applicants. However, Chairman Hawkins asked staff to add this item to the agenda for the purposes of announcing that the Board would table the appointments to a future meeting and allow Commissioners ample time to decide upon which direction they would like to see the Planning Board go and which issues they should address over the next couple of years. Planning Director Mark Burrows reported that the Vice-Chairman of the Planning Board will act as Chairman in the mean time and that there are enough members to have a quorum for their meetings.

**Commissioner Chapman moved to delay the Planning Board appointments for a period of 30 days to allow time for Commissioners to review. The motion was seconded by Commissioner Hogsed.** Commissioner Hogsed suggested Commissioners consult with Planning Board members about which issues should be addressed over the next year because some members have shared some good ideas with him about things that could be helpful to the community. Commissioner Phillips asked for clarification on the motion and inquired if Commissioners will be discussing issues at the next meeting to bring forward for approval in 30 days. Chairman Hawkins said the Planning Board will not have met before the first Commissioners' meeting in February and furthermore that there may not be enough time to prepare for the first meeting. Commissioner Chapman clarified that this item should certainly be back on the agenda for the Board's discussion in 30 days and then the Board can decide if it wants to delay any action to the first meeting in March. Commissioner Chappell asked that staff advertise for the Planning Board vacancy. **The motion passed unanimously.**

## NEW BUSINESS

### UPDATE FROM THE FRIENDS OF THE ANIMAL SHELTER

Dr. Clyde Brooks, Co-chair of the Friends of the Animal Shelter (FOTAS), thanked the Board of Commissioners for allowing FOTAS to partner with the County to ensure that a new modern facility is built in the community. He reported that as of this date, FOTAS has raised \$180,000 toward its goal of \$350,000. In order to continue a successful fundraising campaign, Dr. Brooks asked the Board of Commissioners to consider the following action:

1. The Board will give its firm commitment to the community that it will use the latest plans proposed by the architects when requesting bids from prospective contractors. Donors want assurance of the design and confirmation that the shelter will be built without reduction. This action is necessary to provide confidence to current and future donors that their contributions will be applied in the manner they were promised.
2. The Board will ready the bid process and submit bids within the next month.
3. The Board will give its consent and allow monthly meetings with the County Manager to keep FOTAS up-to-date on the progress of the construction. This action is necessary for FOTAS to keep donors informed about the project.

Furthermore, with the Board's help and consent to the above, FOTAS will:

1. Continue its fund drive to raise \$350,000 and invites Commissioner to join them in their efforts and to attend the fundraising events.
2. Extend the fund drive, if necessary, to cover construction amounts should the shelter bid exceed the projected estimate for the project, as designed and described in the above mentioned plans.

Dr. Brooks said FOTAS believes the new animal shelter, built as designed, will provide a great service to Transylvania County and will be very well received and welcomed by its citizens.

The Manager reported that the estimated construction costs are \$1,045,000. With furniture, fixtures, and equipment and contingency, the total project cost is estimated at \$1,176,000. The County has committed \$750,000 toward the project. The City of Brevard has committed \$100,000 over a five-year period. FOTAS has committed to raising the remaining amount which is \$350,000. In response to Dr. Brooks' proposal, he said the building design should remain the same for the bid process; however staff has made other reductions to reduce costs. He agreed that if there are major design changes, potential donors could be lost.

Commissioner Chappell asked for clarification on the first action recommended by FOTAS. Dr. Brooks said FOTAS and its donors want no changes to the design of the animal shelter and FOTAS will raise the funds necessary to cover the costs if it exceeds funds raised.

Chairman Hawkins inquired about the funds raised to date and asked how much is pledged and how much is actually in-hand. Dr. Brooks reported there is \$135,000 in the bank and the remainder is in the form of pledges, stocks and assets.

Commissioner Chapman expressed concern that the bids could exceed the estimated amount and said he has a problem breaking ground when all the funds are not readily available and emphasized that the County has agreed to commit only \$750,000. He inquired about the time frame for the bidding process. The Manager said the bid process normally lasts 60 days. Dr. Brooks said the money committed by the County and City of Brevard, dollars raised and dollars pledged is over \$1 million and he feels confident

that the remaining funds will be raised; however, he said the remaining pledges will not come if the County does not go out for bids and ready the project to move forward.

Commissioner Chappell expressed concern with removing the option of bidding the alternates because if the Board is not able to come to an agreement after the bids are received, then the project could be delayed even further, which is something he does not want to see.

The Manager said the project will be bid as designed and alternates will be included. For example, one alternate would be to exclude the sally port. This would give the County an idea of the savings that would occur if the sally port or other items were not included. This is normal practice in the bidding process. Commissioner Hogsed suggested that FOTAS be included in any discussions about alternates before the decision is made whether or not to use any of them.

In response to a question from Commissioner Chapman about potentially extending the fundraising deadline, Dr. Brooks said that FOTAS wants to be open-ended on its ability to raise funds.

Chairman Hawkins talked about the recommendation for the Board to move forward with going out for bids and the thought that this would be useful in their fundraising efforts. Instead of going out for bids now, he asked if waiting another two to three months would help FOTAS generate additional funds to complete the project as designed. Dr. Brooks said his understanding of the bid process is that the time frame for preparing the bid packet, advertising for bids and awaiting bids could take up to two and half months. The Manager responded and said the bids would be advertised for one month. Staff also needs time to review the plans before going out for bids which could take up to three weeks. He agreed that it would take two months or so before bids start to come in. Chairman Hawkins asked if the Board agreed at this meeting that it would ready itself to go out for bids in the next month as designed and include the alternates would that help the fundraising efforts. Dr. Brooks replied yes.

Commissioner Chapman expressed concern that FOTAS will not be able to raise the additional funds and therefore asked Commissioners if they were willing to commit to the remaining funds if this occurs. Dr. Brooks assured Commissioners that FOTAS understands the County's commitment of \$750,000 and FOTAS intends to raise the remaining funds necessary. Chairman Hawkins commented that he has no doubt that the funds will be raised.

After further comments, Commissioners instructed the Manager and staff to ready the bid process and meet with FOTAS to review the plans before requesting formal bids on the project.

#### AGREEMENT WITH THE TOWN OF ROSMAN REGARDING UTILITIES TO THE NEW ANIMAL SHELTER

The Board of Aldermen of the Town of Rosman has agreed to provide water/wastewater services to the new animal shelter if the County agrees to the following:

- a. A onetime payment of \$45,000 in wastewater impact fees,
- b. To install a 1,000 gallon holding tank, with a filter /alarm system that will prevent animal hair from entering the wastewater system,
- c. The guarantee that no rain water will be collected and allowed to enter the wastewater system,
- d. The County deeds the adjacent 1.22 acres of property adjoining Rosman Town Hall (PIN: 8553-60-4096-000) valued at \$22,450.

In exchange for the above the Town will provide a 2-inch water line and compound water meter and a 4-inch wastewater line constructed to the site of the new animal shelter and will waive the tap fees in the amount of \$1,600. Items b and c are already included in the design of the new shelter. If Commissioners agree to this, the County will avoid having to drill a well and install a septic system on the site.

Commissioner Chappell expressed concern about item b and wondered what happens if there is a leak. The County Attorney said if Commissioners have any concerns about this resolution at all that he would recommend allowing him additional time to review the resolution further before the Board approves it.

**Commissioner Chapman made a motion to allow the County Attorney to review the resolution and for the Board to take it up as an agenda item at the next regular meeting. The motion was seconded by Commissioner Phillips.** Commissioner Chappell expressed concern about conveying the property in that he wants the Town of Rosman to guarantee that the property is accessible by the public as it is today. The Manager said the land is restricted to recreational use and the same restrictions apply if the property is conveyed to the Town. Commissioner Hogsed asked that the Manager communicate to the Town of Rosman that the Board is reviewing the resolution and plans to reconsider it at the next meeting. In response to a question from Chairman Hawkins, the Manager said at their next meeting the Board of Aldermen will be discussing the possibility of providing free water to Champion Park Pool for a period of 15 years. **The motion was unanimously approved.**

#### SECTION 5311 TRANSPORTATION GRANT

Each year the NC Department of Transportation requires each county to submit a grant proposal for Section 5311 funds for the ensuing fiscal year. A required Public Hearing was held at the beginning of the meeting and one member of the public provided comments.

Transportation Director Keith McCoy has prepared the grant application and is requesting funds totaling \$179,518. This total includes a 15% administrative and 10% capital match from the County totaling \$26,855.

Commissioner Chapman followed up on the comments made by a member of the public and inquired further about the services Transylvania County is able to provide. Mr. McCoy responded and noted that funding is provided to counties based on population. Larger and more urban counties receive more funding and have the ability to access different funding sources as well. Mr. McCoy said it has always been the goal of the Transportation Department to meet the needs of the citizens and Transylvania County can provide more services but it will require a more significant amount of funding. Commissioner Chapman suggested Mr. McCoy contact his counterparts in Henderson County and determine if there are other services Transylvania County can provide that will not require a more significant amount of funding and furthermore determine whether or not the current resources are being utilized effectively.

**Commissioner Chappell moved to approve the Section 5311 Grant Application, seconded by Commissioner Phillips and unanimously approved.**

(Resolution 07-12 Section 5311 Community Transportation Program is hereby incorporated by reference and made a part of these minutes.)

#### 2011 DELINQUENT TAXPAYER LIST

Advertisement of delinquent taxes is required per NCGS 105-369. Commissioners must approve the list before it is advertised. Taxes paid prior to advertisement will be removed from the list. Annette Raines with the Tax Administrator's Office informed Commissioners that the list will be advertised in late April or early May. The Tax Office will begin the collections process in early February. Commissioners commended the Tax Office staff for the work they do and for working with citizens to help them pay their taxes.

**Commissioner Hogsed moved to approve the 2011 Delinquent Taxpayer List and order Tax Administrator David Reid to advertise the list per NCGS 105-369. The motion was seconded by Commissioner Phillips and unanimously approved.**

COMMUNITY SERVICES BLOCK GRANT – WESTERN CAROLINA COMMUNITY ACTION

This year, requirements to make application for the Community Services Block Grant stipulate that each county commission that is served by the applicant certify that they have received and read a copy of the grant and have been given an opportunity to make comments on the proposed application. The applicant is Western Carolina Community Action (WCCA).

**Chairman Hawkins moved to certify that the Board of Commissioners of Transylvania County has received and read the WCCA application and has provided comments if so desired. The motion was seconded by Commissioner Hogsed.** Commissioner Chapman commented that the grant packet is very comprehensive and commended the WCCA for all they do for the citizens of this community. **The motion was unanimously approved.**

APPLICATION FOR PARKS AND RECREATION TRUST FUND GRANT

The Board of Commissioners leased 22 acres near Rosman for a Community Park three years ago. Parks and Recreation Director Rick Pangle gave an update on the project and thanked Commissioners for the additional funds they allocated this year that helped pay for fencing, dirt and gravel, etc.

In the fall of 2011, Commissioners instructed staff to begin work on a Parks and Recreation Trust Fund (PARTF) Grant to help complete the next phase of the park. The scope of the grant requests funds for lighting the fields, a concession area with restrooms and storage, a playground, a walking path, a walkway into the park which will be handicapped accessible, volleyball courts, horseshoe pits, a basketball court, signage for the park, and utilities. The estimated cost of the next phase is \$362,700. The PARTF grant requires a 50% County match of \$181,350. Mr. Pangle noted there is no assurance the County will receive funding as the County has been turned down before. However, the County's investment of over \$250,000 will show State officials that the County is committed to the park and will hopefully go a long way in helping to secure the funding to nearly complete the park.

Commissioner Chapman noted that applying for this grant in no way commits the County to the matching funds unless the County is selected, then Commissioners must decide whether or not to accept the grant.

Mr. Pangle noted that he prepared an alternate plan in case the Board preferred to scale back the scope of the next phase. The alternate costs \$194,700 and requires a matching grant of \$97,350. This phase basically removes the lighting of the ball fields.

Commissioner Phillips inquired if past commitment has any bearing on being awarded grant funds. Mr. Pangle said there are points awarded based on that fact. He noted that when the County's application was turned down, those projects that were awarded funds were mostly second requests.

Commissioner Chappell asked if County facilities are required to have lights in order to hold tournaments. Mr. Pangle said having lighting helps to extend the use of what is there already. Commissioner Phillips said he believes having lighted fields would be advantageous.

Commissioner Chapman asked if the School System has expressed an interest in using the facility. Mr. Pangle said that Rosman Middle School will no longer be able to use the Wood Yard so he expects them to use the fields for games and practice. Rosman Little League will get the most use of the park and ball fields.

Commissioner Chapman asked Mr. Pangle about his current staffing levels and whether or not his department will be able to maintain the park. Mr. Pangle assured Commissioners that his department will work hard to accomplish what needs to be done to maintain the park.



**Commissioner Hogsed moved to approve submitting the application for a PARTF grant in the amount of \$362,700. The motion was seconded by Commissioner Phillips.** In response to a question from Commissioner Chappell, Mr. Pangle expects an announcement to be made in mid-May about the grant awards. **The motion was unanimously approved.**

#### BAD DEBT WRITE OFF – HEALTH DEPARTMENT

It is the policy of the Health Department to write off bad debts that are more than twelve months old. The Board of Health has reviewed the proposed debt write off and requests that the Board of Commissioners authorize the write off of bad debts in the amount of \$3,783.57. This will only impact the Health Department records since no funds were received. Staff will continue to try to collect the debts through allowable debt collection practices.

**Commissioner Hogsed moved to approve the write off of bad debts in the Health Department totaling \$3,783.57, seconded by Commissioner Chapman and unanimously approved.**

#### LETTER OF SUPPORT – REGIONAL COMMUNITY TRANSFORMATION GRANT

Health Director Steve Smith reported that the Region 1 (Graham, Swain, Cherokee, Haywood, Macon, Jackson, and Transylvania Counties) Health Directors have formed a Community Transformation Grant Task Force to develop a grant application that will focus on Tobacco Free living, Active Living and Healthy Eating and high impact evidence-based clinical preventive services over a five year period. This application fits nicely with the local health promotion /health education goals and many elements within the Health Department's current strategic plan.

The Transylvania County Board of Health supports this regional health initiative and has agreed to do everything possible to ensure the success of the collaborative effort among Region 1 counties. If the grant is approved Transylvania County will receive a half time Health Educator I staff member devoted to this effort. This staff member will be shared with Haywood County. No local dollars would be required. All funding will be grant related.

Commissioner Chappell noted that when the grant is no longer available, there is no guarantee that the County will fund this initiative.

**Commissioner Chappell moved to approve the letter of support for the Community Transformation Grant, seconded by Commissioner Phillips and unanimously approved.**

#### MODIFICATION OF THE RULES OF PROCEDURE OF THE TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS

The Board of Commissioners currently has two designated times for public comments during the Commission meetings. Any topic can be discussed at the beginning of the meeting which may have no reference to the items on the agenda. In addition, the time limit as worded is confusing as to how much time a speaker has. In order to make sure that the public has an opportunity to comment on an agenda item, Chairman Hawkins proposed to limit the public comments at the beginning of the meeting to comments on agenda items only and limit each speaker's time to three minutes. Under the public comment period at the end of the meeting, Chairman Hawkins also proposed that the speaker's time be limited to three minutes.

The current wording of the time limit is confusing, stating that speakers will be limited to three minutes with a maximum of five minutes. The proposed change qualifies the amount of time each speaker has to three minutes.

Chairman Hawkins believes the change in the Rules of Procedure will clarify the structure of the meeting and will help the first part of the meeting move along more efficiently.

Commissioner Chappell agreed with clarifying the time limit for speakers but disagreed with limiting the topic. He said if the Board would follow the Rules of Procedure the public comment period should be manageable because the time period is limited to 15 minutes. He believes citizens should be allowed to discuss any item during the public comment period because he believes it is their right to do so.

Chairman Hawkins pointed out there are two public comment periods. Commissioner Chappell said he is proud of the fact this Board allows two public comment periods during a meeting because that is above and beyond what is required by statute.

Commissioner Chapman agreed with continuing with the two public comment periods and also agreed with the recommendation that the first period should be limited to agenda items only so that the Board can get input from the public regarding those items.

**Commissioner Chapman moved to modify the Rules of Procedures for the Transylvania County Board of Commissioners as noted in the revised version limiting public comments at the beginning of the meeting to agenda items only and limiting the time a speaker will have at the beginning of the meeting and at the end of the meeting to three minutes. The motion was seconded by Chairman Hawkins.** Commissioner Phillips agreed with clarifying the time limit but disagreed with limiting the topic. He said some people may want to address the Board on a subject or matter unrelated to the agenda. If the new Rules of Procedure is passed, they would have to wait until the end of the meeting to address the Board when they had not intended to or were unable to stay. He believes this takes away opportunity from the public to address their elected Board. Commissioner Hogsed asked if the Board would be agreeable to allowing those who sign up to speak about an agenda item at the beginning of the meeting to be given preference. Commissioner Chappell said this Board has never had to turn away anyone from participating in public comment and the Board has extended the time if necessary. After further comments, Chairman Hawkins agreed that if the Board followed the Rules of Procedure and the time allotted for public comment, any problems should be alleviated. **Commissioner Chapman amended his motion to modify the Rules of Procedure for the Transylvania County Board of Commissioners as noted in the revised version limiting the time a speaker will have the beginning and at the end of the meeting to three minutes. There was no objection to the amendment and it was seconded by Chairman Hawkins.** Commissioner Chappell reiterated that it has always been the discretion of the Board to take public comment during an agenda item. Commissioner Hogsed suggested noting this fact on the agenda for the public's knowledge. **The motion was unanimously approved.**

#### SCHEDULE FOR FY 2013 BUDGET

The Manager provided the FY 2013 Budget Schedule for the Board's review and approval as follows:

Monday, January 30, 2012	First Pass Budget using FY 2012 as base; give staff direction
Tuesday, January 31, 2012	Budget material given to department heads
Monday, February 27, 2012	Departmental Budgets due
Monday, March 26, 2012	Update on Budget at regular meeting
Monday, April 16, 2012	Second Pass of Budget using latest information
Tuesday, May 15, 2012	Board of Education's formal budget request due
Tuesday, May 29, 2012	Budget Proposal to Commissioners at regular meeting
Wednesday, May 30, 2012	Budget Workshop
Thursday, May 31, 2012	Budget Workshop
Monday, June 4, 2012	Budget Workshop
Tuesday, June 5, 2012	Budget Workshop

Thursday, June 7, 2012	Budget Workshop
Monday, June 11, 2012	Public Hearing on Budget
Monday, June 25, 2012	Budget approval

Commissioners agreed to a meeting time of 6:30 p.m. for the special meeting on January 30, 2012.

Commissioner Chappell suggested also reserving the meeting place on Friday of the last week in May and first week in June to allow as much time as possible for Commissioners to get a budget passed to meet the deadline.

The Manager pointed out that the purpose of the meeting on January 30, 2012 is to get direction from the Board about how to bridge the deficit. Staff intends to show the Board the projected capital for County departments as well as other departmental items not included in previous budgets. The Manager intends to use the budget assumptions and the current year as a base to provide a budget estimate to the Board. With direction from the Board, staff can work on finalizing a budget proposal with the criteria set forth by the Board.

Commissioner Hogsed said he did not see the need to have a special meeting on Monday, January 30, 2012. He preferred to wait until the Manager receives the departmental budgets in late February and the request from the Board of Education. Chairman Hawkins said the value in the meeting is to receive a first pass of the budget and give Commissioners an opportunity to begin thinking about the different variables. He said it will be useful for staff to know how Commissioners plan to make up for the deficit, whether or not it is through the use of fund balance and if so, at what level, or through other methods.

The Manager said while he understands Commissioner Hogsed's concerns, in the past staff has submitted a budget proposal and then was instructed to make budget reductions. If staff uses the current year budget as a base knowing there will be other items included in the budget and after the presentation Commissioners want staff to make significant reductions in their budgets, then staff needs the time to do that. If that decision is prolonged, staff may be forced to make reductions in a hurried manner as was done last year. Furthermore, the meeting will allow Commissioners the opportunity to question the budget assumptions.

**Commissioner Chapman moved to adopt the proposed FY 2013 Budget Schedule as presented by the County Manager. The motion was seconded by Chairman Hawkins and passed by a vote of 4 to 1, with Commissioner Hogsed voting against.**

#### MANAGER'S REPORT

The Manager reported the following:

- Vacant Positions that have been approved to be filled - Since the last report the Manager has given permission to fill a Detention Officer Position in the Sheriff's Department and a Developmental Aide position in the new Adventure Learning Center.
- Medicaid Transportation - The Division of Medical Assistance has established new guidelines effective January 1, 2012 that requires all information about Medicaid transportation to be handled in the Department of Social Services. As a result staff will be transitioning the Medicaid Transportation employee to Social Services in February. There are a significant number of new requirements with the program and staff will be evaluating whether the County can meet these requirements with the current staffing level.
- Agreements have been signed with the NC Sheriff's Association regarding holding misdemeanants in the Transylvania County Detention Center. Counties will be reimbursed \$40

per day and will be reimbursed for transportation and staff time required to transport the inmates; as of this date the Sheriff has not received any inmates but he has requested 50.

- Staff is working on a plan to remove the log jam on the French Broad River in Penrose and to secure funding for stream bank stabilization. The County may have to contribute approximately \$12,000 to help fund the removal of the log jam.
- Reviewed sealed closed session minutes and none are ready to be unsealed.
- The NC Association of County Commissioners has requested counties to submit federal issues of importance to them no later than February 10, 2012. Issues will be presented to the NC Congressional Delegation in March 2012.
- The School of Government is offering at no charge to select counties and municipalities assistance in learning how to engage more citizen participation in the budget process. If the County wants to participate, it must apply in order to be considered.

### PUBLIC COMMENT

Tim Petit: Mr. Petit thanked the Board of Commissioners for moving forward with the PARTF grant application for the community park. With the dismal news in the building industry and the number of people who are unable to pay their taxes on time, Mr. Petit believes the community park is a bright spot in the County. He said people are ready to use the park and are excited about it. Mr. Petit said the dollars invested in this park will be something that should make the County proud and he again thanked the Board for its support.

### COMMISSIONERS' COMMENTS

Commissioner Chappell thanked staff for reviewing the sealed closed session minutes on a monthly basis.

**Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (3) to consult with an attorney reference potential litigation, after a five minute recess. The motion was seconded by Commissioner Hogsed and unanimously carried.**

### CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney reference potential litigation, closed session was entered into at 9:35 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Hogsed, and Phillips, County Manager Artie Wilson, County Attorney Curtis Potter, Planning and Economic Development Director Mark Burrows, and Clerk to the Board Trisha Hogan.

Commissioners discussed a matter that made lead to potential litigation and instructed staff on how to proceed.

**Chairman Hawkins moved to leave closed session, seconded by Commissioner Chapman and unanimously carried.**

### OPEN SESSION

**Commissioner Chapman moved to seal the minutes of the closed session until such time that opening the minutes does not frustrate the purpose of the closed session, seconded by Chairman Hawkins and unanimously approved.**

**Commissioner Chapman moved to delay the second closed session until the next regular meeting due to the late hour, seconded by Commissioner Phillips and unanimously approved.**

**ADJOURNMENT**

There being no further business to come before the Board, **Chairman Hawkins moved to adjourn the meeting, seconded by Commissioner Chapman 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