

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 13, 2012 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, February 13, 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 David Neumann, 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

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

Transylvania County is eligible to make application for a Community Development Block Grant for Scattered Site Housing in the amount of \$400,000. In order to make application, two public hearings are required. The first public hearing was held at a regular meeting of the Board of Commissioners on January 9, 2012 and the purpose was to identify the types of grants available. This is the second public hearing and is specific to the Scattered Site Housing grant. Transylvania County intends to use these funds to perform comprehensive rehabilitation on seven units and provide emergency repair assistance to seven units.

This is the third application cycle for Transylvania County. The grant is administered by the NC Department of Commerce. The grants are expected to be awarded in late spring with monies available for use anticipated in late August.

Chairman Hawkins declared the public hearing open at 7:10 p.m.

Gerry Hunsicker: Mr. Hunsicker asked for explanation of the 10% administration fee that was paid to Benchmark CMR, Inc. to facilitate the grant during previous cycles. Planning and Economic Development Director Mark Burrows responded and said that the grant guidelines provides for a 10% administration fee. The grant facilitator is responsible for a number of items, one of which is to ensure that the County remains compliant with the grant requirements.

There being no further comments, **Chairman Hawkins declared the public hearing closed at 7:13 p.m.**

PUBLIC COMMENT

Gerry Hunsicker: Mr. Hunsicker thanked the Board for supporting citizens' efforts via resolution to slow the process of the NC Department of Environment and Natural Resources from taking away their private property rights afforded to them in the 5th Amendment to the US Constitution. He also thanked the Board for including in the proposed resolution a provision that instructs staff to send a copy of the resolution to all counties in the State. Mr. Hunsicker said many counties are unaware of how government agencies are taking control of private property and should be cautious of stream classifications, rails-to-trails projects, greenways, etc. He pointed out that through measures such as these, not only is there a loss of private property rights, there is also significant costs and fines imposed upon property owners. Mr. Hunsicker also commented about how government regulation affects the County's ability to attract and retain jobs and businesses.

John Dillon: Mr. Dillon referenced an article in *The Transylvania Times* that indicates the County anticipates a \$2.5 million shortfall for FY 2013 and the increase is attributed to the fact that costs continue to rise. He noted that his costs continue to rise as well but he has not increased his prices for his customers; instead he has cut costs. Mr. Dillon read a letter from a citizen that was in the recent edition of the newspaper that gives jeers to the County for the budget shortfall and the possibility of raising taxes to tackle the deficit. Mr. Dillon said taxpayers cannot afford to pay anymore taxes to fund the local government. Mr. Dillon also encouraged the Board to continue the hiring freeze that was in effect a while back and to deny any pay increases for employees.

Judith West: Ms. West thanked Commissioners for starting the budget process early. She challenged Commissioners not to get into a "hunker down and survive mode" because this causes the Board's first response to be no. When this happens, she believes the Board is more likely to defer to ideology than an observation about the situation on the ground. Furthermore, "hunkering down" causes the Board to be blinded to some culpable possibilities. Ms. West challenged the Board to look forward by having a vision and to start planning for the future. She believes the Board's vision will guide the future of Transylvania County.

AGENDA MODIFICATIONS

The Manager reported on the agenda modifications. He requested to add Item IX.B Information on Holding Animals at the Animal Shelter under Presentations/Recognitions.

Commissioner Chapman moved to approve the agenda as modified, seconded by Commissioner Hogsed 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 January 23, 2012 regular meeting and sealed closed session and the January 30, 2012 planning workshop were approved.

FACILITIES USE REQUESTS

The use of the Courthouse gazebo by the Tourism Development Authority to conduct old time street dances on June 19 and 26 and July 3, 10, 17, 24, and 31 from 6:00 p.m. to 9:00 p.m. was approved. There is no cost.

The use of a room at the Parks and Recreation Department by Frank Pearsall for a model railroad meeting on Friday, October 12 from 12 noon to 9:00 p.m. and on Saturday, October 13 from 8:30 a.m. to 9:30 p.m. was approved. Mr. Pearsall will be charged a per hour fee for the use of the room according to the department's facilities use policy.

PRESENTATIONS/RECOGNITIONS

TRANSYLVANIA COUNTY SHERIFF'S OFFICE 2011 REPORT

Sheriff David Mahoney gave a report on the activity at the Sheriff's Office in 2011. He reported that 2011 was a busy year. The Detention Center processed over 2,100 inmates into the jail. Detention staff served 790 criminal warrants and completed nearly the same amount in prisoner transports. The inmate work program continued success in providing services to most County departments as well as several outside agencies. Based on minimum wage, this program saved the taxpayers of Transylvania County \$176,600 in 2011. The Detention Center was selected as one of 12 counties for the new statewide misdemeanor confinement program. While that program has been slow to start, administrators of the program have informed the Sheriff that they are counting on all available beds being full by the end of April. This program will provide an ongoing stream of revenue by housing these inmates.

The Patrol Unit had 13,848 calls for service in 2010 and 14,251 in 2011. Those calls accounted for 16,557 man hours. In addition to answering those calls, this unit served over 1,900 warrants, wrote over 880 incident reports, and made 784 arrests.

The Criminal Investigations Division has been busy as well. Although in 2011 the overall number of incidents decreased, there were still 650 new cases assigned to detectives. Each detective carried an average caseload of 93 criminal cases. Those detectives also had additional duties such as evidence control and property management, narcotics, domestic violence, and serving on a task force to prevent internet crimes against children. Despite the caseload numbers and additional duties, this division maintains clearance rates above the State and national averages.

In 2011, the two-person Civil Process Division served over 3,579 papers. This division is one of the highest liability areas in the Sheriff's Office. Fortunately, the Sheriff has the aid of part time staff and one volunteer working nearly full time hours; however this division continues to be stretched to near unhealthy levels.

The School Resource Officers are a wonderful asset to the community, schools, students and parents. In 2011, these officers taught 445 classes, wrote 98 incident reports, conducted 189 home visits, and made 2,858 student contacts. Additionally, they made 1,034 parent contacts, filed 83 juvenile petitions, made 205 other agency referrals, and 37 criminal arrests. Officers also completed 520 extra duty assignments, including graduation and athletic events, SHIELD and DARE camps, and many others.

The K9 program continues to run strong. In 2011, the Sheriff's Office embarked on a fundraising effort to replace one of the canines that was unable to work due to health reasons. The new canine was completely paid for through donations by the citizens of Transylvania County. In 2011, the K9 partners conducted 207 vehicle searches, 51 building searches, 30 other area searches and 30 human tracks. These searches resulted in the seizure of over 600 grams of illegal narcotics, and the seizure of over \$11,000 in

drug money, along with the apprehension of 11 individuals. The K9s and their handlers were also available for 29 public demonstrations at local schools, churches and civic groups.

The Sheriff reported that volunteers continue to be an amazing part of law enforcement management. More than 60 people volunteer for the Sheriff's Office. They provide services such as patrol, court security, data entry, special events, traffic control, jail ministry, and many others. The volunteers contributed over 13,000 hours in 2011. Based on minimum wage, the volunteers put in work totaling in excess of \$270,000.

Sheriff Mahoney praised the commitment of the men and women of the Sheriff's Office to provide these services with the utmost integrity and professionalism.

Commissioner Chappell thanked the Sheriff and his staff for the outstanding job they do protecting citizens. He asked the Sheriff to discuss special programs that the Sheriff's Office is involved in.

Sheriff Mahoney reported that in 2011 the Sheriff's Office partnered with the Brevard Police Department for a program called Cops 4 Kids which provides a unique shopping experience for children at Christmas. The departments raised enough money to give 100 kids \$100 to spend at Christmas. The children were selected by teachers and school counselors based on need. The Sheriff's Office also participates in the Glimmer of Hope program which allows the children of inmates to spend an evening with their parent who is in custody. Each child is given a present from their parent that is donated by a local church. All these programs are supported by generous individuals, civic groups and churches in the community.

Commissioner Chapman commented that the Civil Process Division could be the most difficult and heart wrenching of any job. Because of ever increasing foreclosures and bankruptcies as a result of the failing economy, he encouraged the Sheriff to keep the Board apprised of the status of this division since the Sheriff reported that this division is reaching near critical levels in terms of staffing.

Commissioner Hogsed commended the Sheriff on his success in coordinating such a large volunteer effort in his department.

Commissioner Phillips also commented on the volunteer program and said the number of volunteers the Sheriff has been able to recruit speaks highly of his department. Commissioner Phillips also thanked Sheriff Mahoney for instituting the commissary program that has resulted in a huge savings for the County.

Chairman Hawkins inquired further about the misdemeanor program. Sheriff Mahoney said the Justice Reinvestment Act that was signed into law in 2011 provides that misdemeanants sentenced to between 90-180 days would be sentenced to the statewide misdemeanor confinement program. That program is a clearinghouse for NC sentenced misdemeanants and requires that those misdemeanants serve their time in the local jail; however not all counties in the State are in a position to be a receiving County.

Transylvania County is fortunate to be one and has entered into an agreement with the North Carolina Sheriff's Association to house a minimum of 50 of those inmates from across the State. The Act includes revenue to come back to the County in the amount of \$40 per day per inmate, along with other transportation and supervision costs. Transylvania County stands in a good position to house those inmates; although the County has yet to receive the number of inmates anticipated. State officials expect that Transylvania County will receive inmates by the end of April.

INFORMATION ON HOLDING ANIMALS AT THE ANIMAL SHELTER

The Manager reported that last month there was an outbreak of kennel cough in the animal shelter and staff met with local veterinarian Dr. Ann Holshouser to address the situation. She recommended

depopulating the shelter at that time. Subsequently the animals were removed by animal rescue groups and the facility was cleaned thoroughly to prevent the spread of infection. The Manager reported that over the last few years due to the work of animal advocacy groups, the average length of stay for the animals has increased to seven to ten days and sometimes longer. The State requires animals to be held for a minimum of three days. Transylvania County's Animal Control Ordinance requires animals to be held for a minimum of five days. However, because of the recent outbreak of kennel cough, staff met with Dr. Holshouser to discuss what is best for the shelter given that it is difficult to isolate sick animals and the interior ventilation is not adequate to prevent the spread of airborne diseases. Therefore, Dr. Holshouser recommended that the shelter should limit holding animals to no more than seven days. A second recommendation concluded the same. The Manager pointed out that no one wants to be in a position to euthanize animals but there is great concern about the overall condition of the animal shelter and the animals being housed there. The Manager noted that there has been some recent misinformation in the public that the Board of Commissioners has changed its policy on the holding period for animals which is not the case.

Dr. Holshouser said when she was called to assess the situation about the kennel cough outbreak she learned that one particular animal had been in the shelter for a while because animal rescue organizations were working to place the animal. She said it brought to light that while the rescue groups have done a wonderful job finding temporary and permanent homes for animals, their resources are tapped as well. These groups want the County to hold the animals longer until they can assure they have a space for them elsewhere. Dr. Holshouser recommended against holding animals for long periods of time because of the unhealthy conditions of the current animal shelter. She pointed out that the purpose of an animal shelter is to be a temporary holding facility, not a boarding facility.

Commissioner Chapman thanked staff for their reaction to the misinformation that was recently put out to the public stating that the Board of Commissioners had changed its policy, when in fact it had not. He thanked Dr. Holshouser for her work as well.

Commissioner Chapman inquired as to the number of animals that were in the shelter at the time of the outbreak. Animal Control Officer Chuck Byrd responded that there were five animals in the shelter at the time. Depending on their size, there could be a minimum of eight animals in the shelter at any given time.

Commissioner Chapman informed the public that the Board of Commissioners is working very hard to have a new animal shelter with the resources available. Although no one wants to see an animal euthanized, he said it not economically feasible for the County to have a no-kill shelter. He pointed out that sometimes conditions are horrendous in no-kill shelters. The County plans to have a humane and efficient shelter.

Dr. Holshouser pointed out that a State Inspector informed her that the average holding time for animals in shelters across the State is five days, but that takes into account shelters with isolation wards which the County's shelter does not have.

Chairman Hawkins concluded the discussion by thanking staff and Dr. Holshouser and noted that there may be new policies with the new shelter, which staff will be working on during the construction process.

APPOINTMENTS

COMMUNITY APPEARANCE INITIATIVE

Harold Paxton's term expires at the end of February. He has served two full terms and is not eligible to serve another term. There is one application on file and the applicant is very interested in serving on this committee.

Commissioner Chappell moved to appoint Barbara Belli to replace Harold Paxton at the expiration of his term. The motion was seconded by Commissioner Chapman and unanimously approved.

HUMAN RELATIONS COUNCIL

The County appoints six members to the Human Relations Council. Five of those members have resigned. The Clerk has been in contact with the City Clerk for a few months now trying to recruit new members. One member, Melissa McGill, has agreed to continue to serve. Due to recent advertisements, the Clerk has received three applications. Reappointing Ms. McGill and appointing the three new applicants leaves two vacancies remaining. The Clerk will continue to work on recruiting applicants.

Commissioner Chappell moved to reappoint Melissa McGill and appoint Shelley Green, Wendy Manner, and Dawn Jiles McCall to fill three vacancies and instructed the Clerk to continue advertising for the vacancies. The motion was seconded by Commissioner Chapman and unanimously approved.

PERSONNEL BOARD

The terms of Bill Ragland, Scotta Orr, and Beth Landreth expire at the end of February. All serve specific roles on the Personnel Board and all are eligible and willing to serve another term. It is also the role of the Board of Commissioners to appoint a chairman annually.

Commissioner Phillips moved to reappoint Bill Ragland, Scotta Orr, and Beth Landreth to additional terms, seconded by Commissioner Chappell and unanimously approved.

Commissioner Chappell moved to reappoint Anna Yount as chair for 2012, seconded by Commissioner Phillips and unanimously approved.

OLD BUSINESS

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

The Town of Rosman has agreed to provide water and 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. Guarantee that no rain water will be collected and allowed to enter the wastewater system, and
- 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 \$1,600. There is also the possibility of the Town supplying water to Champion Park Pool at no cost to the County for a period of time, and these discussions will occur in the near future.

The Manager brought this resolution forth for Commissioners to consider at the previous meeting on January 23, 2012 and Commissioners raised the following concerns:

1. If the property is deeded to the Town, Commissioners want the river access to remain open to the public free of charge.
2. How can the County guarantee that no rain water would enter the Town's wastewater system?

As a result of discussions with Town officials, the resolution has been modified to address Commissioners' concerns as listed:

1. The Town of Rosman will keep the current river access open to the public free of charge,
2. Transylvania County will not knowingly collect and direct any rain water from the animal shelter into the Town's wastewater system,
3. It should be noted that any restrictions imposed by the North Carolina Parks and Recreation Trust Fund and Land and Water Conservation Fund on the above listed property will continue to remain on the property.

There is a process that both the County and Town of Rosman must follow to transfer ownership of the property because of the restrictions, one of which is allow the public to comment on the transfer of the property. NCGS 160A-271 requires that the County give a 10-day notice prior to approval of the transfer via a resolution and staff has met the advertising requirements. The Manager pointed out that the Town must also approve a resolution accepting the County's stipulations.

The financial impact to the County will be \$45,000. Items b and c were already part of the design of the new animal shelter. This agreement will allow the County to avoid having to drill a well and install a septic system.

Commissioner Chapman said he is okay with paying the impact fee because the monies will remain in the County and will assist the Town in any way they see fit. Commissioner Chappell agreed and noted that otherwise the funds would be used to drill a well and septic system for the shelter.

Commissioner Chapman moved to approve Resolution 08-12 Accepting the Conditions Set By the Town of Rosman Regarding the Provision of Water and Wastewater Services to the New Animal Shelter and authorize the Chairman and the Manager to sign the necessary documents to complete the transaction. The motion was seconded by Commissioner Phillips. Commissioner Chappell asked the Board to consider public comment to meet the statutory requirements.

Don Surrette: Mr. Surrette inquired about the ongoing charges for water and sewer utilities. The Manager said the County will be charged the rate for customers that are outside of Town limits which equates to approximately \$2,000 annually.

Dr. Ann Holshouser: Dr. Holshouser asked which entity will maintain the filter because she assumes there will be lots of animal hair in it. The Manager responded that the County will be responsible for maintaining the filter which is included in the original design.

There being no further comments from the public, **the motion was unanimously approved.**

(Resolution 08-12 Accepting the Conditions Set By the Town of Rosman Regarding the Provision of Water and Wastewater Services to the New Animal Shelter is hereby incorporated by reference and made a part of these minutes.)

NEW BUSINESS

RESOLUTION REGARDING A CHANGE IN THE PROCESS OF STREAM DESIGNATIONS

In the past, the North Carolina Department of Environment and Natural Resources, Division of Water Quality, has proposed designations for some streams in Transylvania County to the Environmental Management Commission without ever contacting the affected property owners or the local governing body. In 2010 and 2011 there were several meetings regarding the proposed reclassification of Boylston Creek that brought attention to this issue. In January 2011, the Division of Water Quality held a meeting to get input about improving the process but as of yet no changes have been made. The Manager proposed a resolution for the Board's consideration that requests a moratorium be placed on all proposed stream designations in Transylvania County until a fair and equitable process can be developed and one in which the affected property owners, the local government and other stakeholders can have meaningful and early input in the decision making process.

Commissioner Chapman moved to approve Resolution 06-12 Requesting a Change in the Process of Stream Designations and seconded by Commissioner Hogsed. Chairman Hawkins said he is discouraged that there has been no movement by the State to change or at least review the designation process and he hopes this resolution will have the intending effect. **The motion was unanimously approved.**

(Resolution 06-12 Requesting a Change in the Process of Stream Designations is hereby incorporated by reference and made a part of these minutes.)

LETTER OF SUPPORT – LITTLE RIVER VOLUNTEER FIRE DEPARTMENT

Little River Fire Department plans to finance the purchase of a new 2012 Freightliner Tanker to replace one damaged in a vehicle accident in 2010 and declared a total loss. First Citizens Bank requires confirmation that the fire department has a written agreement with the County to provide fire and rescue services in the Little River Fire Service District and that the County has no objection to the purchase of the tanker or the financing thereof. The confirmation letter in no way obligates Transylvania County to repay the loan in case of default. The overall cost of the tanker is \$368,922. The Little River Fire Department plans to finance \$160,000 from First Citizens Bank for 36 months at a rate of 2.6%.

Commissioner Hogsed moved to approve the letter of support, seconded by Commissioner Phillips and unanimously approved.

DONATION OF SURPLUS EVIDENCE LOCKER TO THE CITY OF BREVARD

When the new Public Safety Facility was built there was no need for a small evidence pass through locker from the old facility and subsequently it was declared as surplus. Brevard Police Chief Phil Harris has requested that the County donate the surplus evidence locker to the City of Brevard. Per NCGS 160A-280 the County can donate the surplus item to the City of Brevard if the County published its intent to convey the locker at no cost to the City of Brevard five days prior to the approval by resolution. The County has met the advertisement requirements.

Commissioner Phillips moved to approve Resolution 09-12 Donating a Surplus Evidence Locker to the City of Brevard, seconded by Commissioner Chapman and unanimously approved.

(Resolution 09-12 Donating a Surplus Evidence Locker to the City of Brevard is hereby incorporated by reference and made a part of these minutes.)

FUNDS FOR REMOVING LOG JAM

Over the last few years a large log jam has developed on the French Broad River near Penrose. The log jam has made it impossible for boats to navigate these waters. In addition, the log jam is causing significant stream bank erosion as the water is diverted around the log jam. The local Soil and Water Conservation District (SWCD) office has been awarded a \$25,000 matching grant to help remove the log jam. Former Representative David Guice helped the County secure these funds. It is estimated that \$13,000 of the required matching funds will be covered by local administration, design, survey and construction oversight leaving \$12,000 in local funds needed to meet the match. The Manager recommended that the County appropriate up to \$12,000 towards the removal of the log jam. The Manager reported that the SWCD office is working with the adjacent landowners to apply for grant funds for stabilizing the stream banks once the log jam is removed. The project is slated to be bid in March with a project start date in May.

Commissioner Chapman noted that the initial funds only address the current issue with the log jam but does not address future problems that may occur. He referred to an email from a member of the public who is concerned about potential regulations. Commissioner Chapman said it is the intent of the Board to solve the problem at hand, not impose further regulations upon citizens.

Commissioner Chappell asked if the County were liable in case an accident occurs during the project. Local SWCD Director Jeff Parker informed the Board that the contractor is required to have insurance to cover accidents which is a standard item in the contract.

Commissioner Chappell inquired as to any safety concerns there might be if the issue is not resolved. The Manager said there is a safety concern in terms of people trying to navigate around the log jam. Debris continues to pile onto the log jam. He said there is the possibility of posting signage to inform boaters of the log jam and its dangers.

Chairman Hawkins moved to authorize the appropriation of \$12,000 from the contingency line item to be used toward the removal of the log jam, seconded by Commissioner Chapman and unanimously approved.

BUDGET AMENDMENTS AND FINANCIAL UPDATE

Finance Director Gay Poor submitted the following budget amendments for approval:

1. #36 - recognize contributions received from the City of Brevard and Wells Fargo for the 150th Celebration.
2. #37 - to record the receipt of \$2,000 in donations to EMS and \$1,500 in Stand by Fees to be applied to vehicle maintenance.
3. #38 - to record \$5,000 in pass through fees and expenditures related to cheerleading recreation classes.
4. #39 - to record the receipt of \$19,474 in proceeds from an insurance claim to repair a transportation van damaged in an accident.
5. #40 - to record receipt of \$8,323 from the State Criminal Alien Assistance Program to the Sheriff's Department
6. #41 - to transfer \$115,188 from the Reserve for Accrued Vacation to departments in which employees have cashed in vacation (\$66,615) and vacation paid out for employees who left County employment (\$48,573).

These budget amendments cause the General Fund Budget to increase by \$166,485. The amended FY 2012 General Fund Budget will increase to \$40,103,283.

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

Ms. Poor also gave a brief financial update and reported the following:

- In the first six months of the fiscal year, the budget increased from \$39.4 million to \$39.9 million, an increase of \$493,132
- A majority of the increase came from funds that were carried forward from the prior year, most notably funds for the community park near Rosman and monies received by the Health Department not spent in the previous year
- Other increases came from additional appropriations for the community park near Rosman, new funding sources in the Department of Social Services and other projects
- Actual revenues for the first six months of the budget equal 57.6% of budgeted revenues, made up of property taxes (75.1%) which is up from the previous year and sales taxes which are lagging behind the previous year; however today the County received November's sales taxes and they were better than October's sales taxes and November's sales taxes from the prior year; overall year-to-date sales taxes are lagging behind last year by approximately 3.2%
- Overall revenues are 2.2% higher than last year
- Actual expenditures are below last year and are in line with the budget
- Self Insurance claims continue to increase
- Solid Waste is experiencing a better year than the previous year

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 Court Officer position, a Transport Officer position (24 hours) and a School Resource Officer position, all due to someone leaving.
- Staff has reviewed the plans and specifications for the new animal shelter and has scheduled a meeting with the Friends of the Animal Shelter to review. After this, a discussion will be held with the architect regarding any changes to the plans and specifications and then staff will go out to bid for the project.
- Departmental budgets have been sent to the department heads with a return date of February 27, 2012. The next budget update for the Commissioners is scheduled for Monday, March 26, 2012. The Manager has requested that the Board of Education determine some dates and times in March to begin two-on-two meetings. Staff continues to review health insurance costs.
- Work is progressing on the renovation of the old Sheriff's Building and the project is proceeding as planned. Staff will give ample notice to the public before the move takes place.
- The Manager followed up with the NC Department of Transportation on the Connector Road at Davidson River Village and learned that the design review meeting has been delayed until March 22, 2012 at 10:00 a.m. in Raleigh.
- Reviewed Closed Session Sealed Minutes and none are ready to be unsealed.
- There is an issue at the Detention Facility with faulty inmate bunks; the contractor will correct the issue at no cost to the County.
- There was an incident at Rosman High School where a high school senior had begun work on his senior project to build a wall on the baseball field; unfortunately, during the planning process those involved with the project failed to determine if permits were needed and it was later found after a citizen complaint that the project would be in the floodway which would cause the need for a no rise certificate; as a result the work on the project was stopped; the Manager has been in contact with the Superintendent about this and several people are working to remedy the situation.

For the public's information, Commissioner Phillips emphasized that the positions filled in the Sheriff's Office were not new positions, but vacancies being filled through normal attrition. Chairman Hawkins added that these positions are not automatically refilled and must be justified by the respective department head.

PUBLIC COMMENT

Don Surette: Mr. Surette suggested the use of volunteers to help the Tax Offices and Register of Deeds move to their new location. He also did some research on the amount of grant dollars coming into Transylvania County. He reported that in 2007-08, the County received \$1.8 million in grant funds. In 2009, the County received \$1.95 million. In 2010, that figure increased to \$1.98 million. Last year the amount was reduced to \$1.8 million. Mr. Surette said he was surprised at the amount of grant funding received by Transylvania County.

Gerry Hunsicker: Mr. Hunsicker thanked the Board of Commissioners for passing the resolution regarding stream reclassifications. He reported that of the 157 designated streams in this County, over 95% never went through the public hearing process. Also, Mr. Hunsicker commented that he believes the unemployment rate is actually higher than being reported and while people are struggling he has a hard time agreeing with the County about hiring additional employees.

Unknown Female: A lady in the audience said she recently learned the County provides senior citizen and general public transportation services and she asked for further explanation about these services. She wondered if the County had considered a public transit system as a means of revenue. She believes a public transit system would be beneficial to the public. The Manager said he would be happy to speak with her more about the services the County offers.

Mike West: Mr. West responded to comments made by Judith West during the first public comment period. Conversely, he encouraged the Board of Commissioners to hunker down because times are tough for everyone right now. He said he believes in an ideology that encourages lower taxes, less regulations and a business friendly environment. Mr. West encouraged the Board to spend wisely and avoid massive debt and spending and have an understanding that government does not solve every problem. Mr. West encouraged the County to believe in the ability of the people to control their property, self-regulate their behavior and spend their money as they see fit. Lastly, he said hunkering down is having the courage to prepare for the future while respecting the people of this County.

Mark Burrows: Mr. Burrows reported that the Transylvania Partnership, a nonprofit that supports economic development without the use of County dollars, held a \$10,000 business plan competition. Over 15 business plans were received that are currently being evaluated. The announcement of the winner will be held during a reception on Monday, March 12, 2012. At that time the Partnership will begin determining how to leverage other resources through the private sector to help businesses that did not receive the award.

COMMISSIONERS' COMMENTS

Commissioner Chapman commented that filing has begun for the upcoming election which will be a very busy time in the Elections office. He encouraged the Elections Director to call upon the Board of Commissioners if needed. Commissioner Chapman also commented that he and the Manager recently met with Representative Walend to discuss some priorities within the County. He encouraged all Commissioners to reach out to her if they have any issues.

Chairman Chappell informed the members of the audience that there is a public hearing in the Town of Rosman tomorrow night regarding alcohol sales on Sunday and he encouraged the public to attend and voice their opinion.

Chairman Hawkins responded to comments made by Judith West and Mike West. He said the problem with having an ideology at the local level is that it tends to treat issues as black and white and tends to frame questions in extremes, which he believes is not a good way to govern. Further, he does not think it is contradictory to believe in limited government and at the same time acknowledge that government does and should play a role in certain circumstances. Chairman Hawkins said one example of where government has a role is in infrastructure. He believes infrastructure played a part in Sierra Nevada not choosing Transylvania County as its expansion site. In order to move forward, he believes the County should take a serious look at its strengths and weaknesses and work with all those involved in economic development and planning to structure a way to study those issues and develop a process to move forward. Chairman Hawkins said while he agreed with both comments, he did not agree that the County should hunker down; but rather the County should acknowledge those suffering in the community and determine how to help those people in the long term. In order to have economic growth, he believes it begins with modern, competitive infrastructure.

Commissioner Chappell pointed out that the lack of infrastructure was not the sole reason for Sierra Nevada choosing not to expand its operations here. Henderson County offered tremendous incentives to the business to locate there. He also commented on the previous comments and said while some may use the term ideology, he would call it having core convictions. His core convictions include limited government and the fundamental belief that regulations hurt economic development. Chairman Hawkins responded that he believes the County does a good job of trying to facilitate the freedom that Commissioner Chappell is referring to.

Chairman Hawkins responded to comments from the audience about filling vacancies. He informed the public that vacancies are not automatically filled. They must be justified by the department head and then the Manager examines each one carefully before making the decision to fill a position. Chairman Hawkins also noted that the Board of Commissioners limits staff positions to positions that are required.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (6) to discuss the annual review of the County Manager, after a 5 minute recess. The motion was seconded by Commissioner Phillips and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (6) to discuss the annual review of the County Manager, closed session was entered into at 9:15 p.m. Present were Chairman Hawkins and Commissioners Chapman, Chappell, Hogsed and Phillips.

Commissioners met and discussed the annual performance of the County Manager.

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

OPEN SESSION

There was no new business to discuss and no other action was taken.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board