

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**June 25, 2012 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, June 25, 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: *Hendersonville Times News* – Nathaniel Axtell  
*The Transylvania Times* – Jeremiah Reed

There were approximately 40 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding called the meeting to order at 7:05 p.m.

**WELCOME**

Chairman Hawkins welcomed everyone to the meeting and thanked the members of the audience for participating in their County government. Chairman Hawkins introduced the members of the Board of Commissioners and staff.

**PUBLIC HEARING**

**RURAL OPERATING ASSISTANCE PROGRAM FUNDING APPLICATION**

Each year the NC Department of Transportation accepts applications from counties and municipalities that operate transit systems. For this year, the Transylvania County Transportation Department is requesting to make application for \$136,318, which is the maximum amount available. The request is approximately \$6,000 more than allocated for the current year. The funds are broken down as follows:

Elderly & Disabled Transportation Assistance Program (EDTAP)	\$ 58,816
Employment Transportation Assistance Program (EMPL)	\$ 14,056
Rural General Public Program (RGP)	<u>\$ 63,446</u>
	\$136,318

County Transportation Director Keith McCoy reported that this program is 100% State-funded and the only local match required is a 10% match for the Rural General Public Program which is paid for by charging a fare to users.

The Elderly & Disabled Transportation Assistance Program provides transportation services for the elderly and disabled. The County Transportation Department uses these funds to provide transportation for dialysis patients, to offset some of the costs of providing transportation to senior citizens for the meal site program, and for contracting some medical transportation services with the local cab company.

The second program the County receives funding for is the Employment Transportation Assistance Program. This program is administered through the Department of Social Services. They work with individuals in danger of going on public assistance or individuals on public assistance who are trying to

become more independent and assist them with automotive repair costs. These funds are not necessarily used for fuel reimbursement.

Lastly, the Rural General Public Program is funded 100% by the State and requires a local 10% match which is paid by user fees.

These funds have been included in the FY 2012-2013 Budget for the County Transportation Department. No additional County funds will be required. A public hearing is required prior to the approval of the application by the Board of Commissioners.

**Chairman Hawkins declared the public hearing open at 7:09 p.m.** There were no comments from the public. **Chairman Hawkins declared the public hearing closed at 7:10 p.m.**

This item will be discussed and voted upon later in the meeting.

### **PUBLIC COMMENT**

Paul Heidmann: Mr. Heidmann was recently appointed as the chairman of the Joint Historic Preservation Commission. He asked Commissioners for help because he believes the committee, made up of nine members, has been struggling for lack of support. Mr. Heidmann stated that the former County Planner Mike Thomas used to facilitate the meetings and the committee needs the support of a staff person. He believes the committee is wasting time because it has no direction.

Gerry Hunsicker: Mr. Hunsicker stated that many people are disappointed with the displacement of the County's values. He compared County employee salary increases with teacher salary increases. He believes teachers' pay scales are lower than County positions. Mr. Hunsicker also said school facilities are deteriorating yet Commissioners took away the School System's ability to use their reserves by saying the County would be responsible for facilities' emergencies. Mr. Hunsicker commented that the County's building projects, such as the new Public Safety Facility and renovations to vacant buildings, did not seem to be emergencies. He urged the Commissioners to put schools and children first.

Mr. Hunsicker also commented that the presence of a Sheriff's Deputy at the recent GroWNC meeting at the Library was intimidating and disrespectful to citizens.

Evelyn Erb: Ms. Erb spoke about the GroWNC initiative. She believes those that are against this initiative are not forward-thinking. She believes this County needs to do everything possible to bring jobs here and that this initiative may be one way to do that. With more jobs, people will not need to seek assistance from charitable organizations whose resources are stretched thin. Mr. Erb urged the Board to have compassion and support the GroWNC initiative.

### **AGENDA MODIFICATIONS**

There were no agenda modifications.

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

### **CONSENT AGENDA**

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

The following items were approved:

#### MINUTES

The minutes of the May 29, 2012 regular meeting, the 2012 Budget Workshops, and the June 18, 2012 Public Hearing on the FY 2013 Budget were approved.

#### FACILITIES USE REQUESTS

The use of the Silvermont Mansion by the Transylvania County Democratic Party all day on September 8, 2012 for a rally/picnic for the community was approved.

#### DISCOVERY AND RELEASE REPORT

The Discovery and Release Reports for May 2012 and June 1-25, 2012 were approved. The total tax dollars released for the period was \$6,558.24 and refunds for the period totaled \$427.28.

### **PRESENTATIONS/RECOGNITIONS**

#### PLANNING BOARD ANNUAL SUMMARY

Planning Board Chairman Scott McCall presented the Planning Board's Annual Summary of activities from May 2011 through April 2012. Mr. McCall reported that for the coming year the Planning Board will focus their efforts on water/sewer extension and transportation issues. This comes as a result of the public comments made in community meetings and from the 150<sup>th</sup> survey. Commissioners thanked the members of the Planning Board and staff for all their continued hard work.

### **APPOINTMENTS**

#### WESTERN CAROLINA COMMUNITY ACTION BOARD OF DIRECTORS

Barbara Greene with Western Carolina Community Action informed the Clerk at the end of May that Nicola Melby had to resign her position on this Board because she was moving out of the State. There are five applications file. Ms. Greene recommended the appointment of Terri Trimble.

**Commissioner Chappell nominated and moved to appoint Terri Trimble to fill the vacancy. The motion was seconded by Commissioner Chapman and unanimously approved.**

#### NURSING/ADULT CARE HOME ADVISORY COMMITTEE

The terms of Marty Griffin, Barbara Johnson, and Madelyn Meyer expire at the end of June. All are eligible and willing to serve another term. There is one additional application on file.

**Commissioner Chapman moved to reappoint Marty Griffin, Barbara Johnson, and Madelyn Meyer to serve another term. The motion was seconded by Commissioner Phillips.** Commissioner Chapman commented that local facilities appear to be pleased with the interaction with this committee. **The motion was unanimously approved.**

#### JUVENILE CRIME PREVENTION COUNCIL

There are several terms that expire at the end of June and one current vacancy. Chairman Maurice Jones, along with the Nominating Committee recommended the following:

1. Jennifer Cantrell (Commissioner Appointee)-resigned; appoint Thomas Bradley as her replacement
2. Scott Elliott (Schools)-reappoint
3. Maurice Jones (Business)-reappoint
4. Doug Mundy (DA or Designee)-appoint ADA James "Tripp" Griffin as his replacement

5. Rick Pangle (Parks & Rec)-appoint Mandi Bentley as his replacement
6. Steve Smith (Health Director)-reappoint
7. Jerry Stone (Commissioner Appointee)-reappoint
8. Aaron Thompson-(Chief of Police or Designee)-reappoint
9. Matt Walsh (Commissioner Appointee)-reappoint
10. Mike West (Commissioner Appointee)-no longer wishes to serve; appoint Kelly Eyster as his replacement

**Commissioner Chapman moved to approve the recommendation, seconded by Commissioner Phillips and unanimously approved.**

## NEW BUSINESS

### DRAWDOWN OF LOTTERY FUNDS

The State allocates lottery funds to each county based on daily average membership. For lottery funds to be released by the State, both the Board of Commissioners and Board of Education must approve the application for lottery funds. The Board of Education requested that the Board of Commissioners approve an application in the amount of \$72,000 in lottery funds to be used towards the renovation of the Career & Technical Education wing at Rosman High School.

**Commissioner Chappell moved to approve the release of \$72,000 in lottery funds for the renovation of the Career & Technical Education wing at Rosman High School, seconded by Commissioner Hogsed and unanimously approved.**

### JUVENILE CRIME PREVENTION COUNCIL CERTIFICATION

Ren Uriarte, facilitator for the Juvenile Crime Prevention Council, submitted the necessary paperwork to Commissioners for their approval in order for the Council to obtain certification to receive federal funding. There is no financial impact to the County.

**Commissioner Chapman moved to approve the Juvenile Crime Prevention Council Certification for FY 2013. The motion was seconded by Commissioner Hogsed.** Commissioner Chappell thanked the members of the Juvenile Crime Prevention Council for the work they do which is a tremendous benefit to the community. **The motion was unanimously approved.**

### FY 2012-2013 RURAL OPERATING ASSISTANCE PROGRAM

A public hearing was held at the beginning of the meeting at which there were no public comments. The County Transportation Department is requesting to make application for \$136,318. The funds are broken down as follows:

Elderly & Disabled Transportation Assistance Program (EDTAP)	\$ 58,816
Employment Transportation Assistance Program (EMPL)	\$ 14,056
Rural General Public Program (RGP)	<u>\$ 63,446</u>
	\$136,318

**Commissioner Phillips moved to approve the application for the FY 2012-2013 Rural Operating Assistance Program. The motion was seconded by Commissioner Hogsed.** It was reported that the funds will be available once the State Budget is passed. **The motion was unanimously approved.**

### BUDGET AMENDMENTS

Finance Director Gay Poor presented several budget amendments for approval that included adjustments to federal and State funding and grants, increases in fees and related expenditures, appropriations from fund balance, and transfers to other funds.

Most significantly, there were reductions in State and federal subsidies and Smart Start funding for child care in the amount of \$121,850. Those reductions in revenues were offset by a reduction in related expenditures. There was \$53,929 in additional funding sources resulting in a net reduction of \$67,921 to the budget from the combination of the different budget amendments. The revised budget as of June 30, 2012 is \$40,339,387, which is a change of \$895,721 more than the original budget to begin FY 2012.

For informational purposes, Ms. Poor reported that there were two amendments which show significant decreases in the amount of fund balance budgeted for FY 2012. The first one reflected the receipt of \$113,307 in unanticipated Medicaid Cost Settlement funds from the NC Division of Public Health. The second one increased the budgeted Medicaid Hold Harmless funds by \$250,000 to the most recent level estimated by NC Association of County Commissioners.

Ms. Poor also provided a summary of amendments to Other Funds. The most notable was the use of monies from the Emergency Telephone System Fund to take advantage of a one-time offer to purchase related capital items. Ms. Poor also provided a summary of the changes in the Contingency Fund over FY 2012. The budgeted amount for contingency was \$100,000. At the end of FY 2012, the remaining contingency will be \$44,592.

**Commissioner Chappell moved to approve the Budget Amendments, seconded by Commissioner Phillips and unanimously approved.**

### FY 2013 BUDGET ORDINANCE

The Board of Commissioners is required to approve a budget ordinance for the upcoming fiscal year prior to July 1 of the budget year. Commissioners received the proposed budget from the County Manager on May 29 and held three budget workshops during which changes were made to the proposed budget. A Public Hearing on the proposed Budget was held on June 18, 2012. The proposed General Fund Budget is \$40,066,676, a 1.6% increase over the FY 2012 Budget. No ad valorem tax increase is proposed.

Commissioner Chappell asked to allow public comment from those who were not able to attend the budget workshops. No members of the public addressed the Board.

**Commissioner Chapman moved to approve the Transylvania County Budget Ordinance for Fiscal Year 2012-2013 as presented. The motion was seconded by Commissioner Hogsed.** Commissioner Chappell thanked staff and Commissioners for all the work that went into the budget process and the public for their participation. He expressed concern about some of the items in the budget, particularly the pay increase for County employees and the cuts to the Board of Education's budget. He preferred a lump sum bonus over a cost-of-living adjustment because it gives immediate spending power to employees. He also believes pay increases should be related to performance. Commissioner Chapman commented that the budget can be amended if necessary and other issues brought forth during the budget workshops that were not approved can be addressed once a plan is brought forth by staff. He said this budget still leaves a deficit of nearly \$1 million and both the County and School System have needs, many of which can only be addressed through tax increases. Commissioner Chapman commended this Board for the hard choices they have made, noting that there is much more hard work ahead. **The motion passed by a vote of 3 to 2, with Commissioners Chappell and Phillips voting against.**

### MANAGER'S REPORT

The Manager reported the following:

- New Animal Shelter- Staff received nine bids and plans to submit the bids to Commissioners at the July 9 meeting.
- The old seats have been taken out of the large courtroom and the new carpet has been installed. New energy efficient ballasts have been installed and the new benches were installed last Thursday.
- Personnel-The Manager approved the advertisement of a housekeeping position that will become vacant due to a retirement effective August 1, 2012.
- New County Website-Staff is almost ready to go live with the County's new website. He will email Commissioners a link to the new website for their review.
- There are no sealed closed session minutes to open at this time.
- At the July 9 meeting, he will ask Commissioners to consider cancelling the second meeting in July to allow staff some time to take vacation.

### **PUBLIC COMMENT**

Carroll Parker: Mr. Parker participates in the housing work group for GroWNC. He said, through this initiative, private citizens have an opportunity to participate in the planning of the County's future. Although some believe the GroWNC initiative is an extension of the United Nation's Agenda 21, Mr. Parker said the United Nations has no sovereignty over any nation and especially Transylvania County. As a former County Commissioner, he grew increasingly frustrated over unfunded mandates from the NC General Assembly. Mr. Parker said as a small, rural county, the best chances of having a voice in the NC General Assembly is to work together as a region. He encouraged Commissioners not to abandon GroWNC or the Land-of-Sky Regional Council because it is now more important than ever to work together to defend the interests of Transylvania County. Mr. Parker concluded by leaving with Commissioners some old political cartoons.

Gerry Hunsicker: Mr. Hunsicker reported that Henderson County has decided not to participate in GroWNC. He asked Commissioners to study this initiative and recognize how it affects everyone's constitutional rights.

Jack Hudson: Mr. Hudson is the President of the Elections Board Association of NC. He said has been trying to urge the NC Legislature to release HAVA funds for counties to use for the maintenance of voting machines. If funds are not released, Transylvania County will pay over \$30,000 in maintenance costs. Mr. Hudson asked Commissioners to contact the leaders in Raleigh as well as the local representation and urge them to submit and get passed a stand-alone bill for the release of these funds.

Don Surette: Mr. Surette encouraged Commissioners to explore health savings accounts for employees because many have found them to be beneficial to both the employee and employer.

Mike West: Mr. West stated that he is opposed to the GroWNC initiative. He said sustainable development is the central piece of Agenda 21 and this theme is included in the GroWNC documents. He does not understand how others cannot see a connection between the two. Mr. West noted that both Presidents Clinton and Obama have signed Executive Orders implementing portions of the United Nations' Agenda 21 plan into United States law. Part of that comes through the grant process from HUD which is how GroWNC is funded.

Jackie Whitmire: Ms. Whitmire said she understands why some have issues with the GroWNC initiative; however she would like those people to make a presentation about what they think would work.

### COMMISSIONERS' COMMENTS

Chairman Hawkins said he agreed with some comments made by both Commissioner Chapman and Commissioner Chappell during the agenda item to approve the FY 2013 Budget. He stated that he is concerned about the budget for the School System and the County Planner position. Chairman Hawkins agreed with Commissioner Chapman that the budget is a living document. Approving the budget also does not change any of the issues the County is facing. He believes the budget will move the County forward through the next year and agreed that amendments can be made if necessary.

Commissioner Chapman encouraged Commissioners to establish some priorities on some of the issues that have been contentious. Those include health insurance costs, salary compression, and most importantly economic development. He stated that he voted against some items presented during the budget workshops because there were no plans presented on how the monies are to be spent.

Commissioner Chapman also responded to comments made by Jackie Whitmire during public comment. He agreed with her statements and said the decision made by the Board with regards to the GroWNC initiative should not be rash and should be made after Commissioners have been educated about the issue from both sides.

### ADJOURNMENT

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