

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
January 14, 2013 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, January 14, 2013 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 Page Lemel. Also present were County Manager Artie Wilson, County Attorney David Neumann, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Eric Crews

There were approximately 25 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:04 p.m.

WELCOME

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

PUBLIC COMMENT

Gerry Hunsicker: Mr. Hunsicker said the foundation of the County's economy has been torn away just like the buildings of the old manufacturing plants. He does not believe tourism, eateries, retail and summer camps can provide incomes to adequately support families and their homes. Mr. Hunsicker encouraged Commissioners to work at attracting manufacturing of all sizes to this County, instead of continually adding County government employees and improving County facilities.

Robert Poole: Mr. Poole cited NCGS 143-318.11 (a) (4) which is a closed session statute pertaining to matters relating to the location or expansion of industries and businesses. He said the statute defines how long the minutes can be sealed and therefore he inquired about possible closed session minutes discussing a biodiesel plant that is scheduled to open in Transylvania County near Penrose.

Chairman Hawkins responded that any contract or agreement that the County acts upon will be done so in an open meeting. If a particular project came to that point, it would be agenda item and discussed in an open meeting.

Mr. Poole said he received an email from the Planning and Economic Development Director indicating the biodiesel plant is expected to go into operation by the end of this year or early 2014. For the record, Mr. Poole stated his complete opposition to biodiesel and the biodiesel facility in Transylvania County, specifically in his community. He asked Commissioners to visit the website brevardnc.info and read his objection to this project.

Commissioner Chappell noted for the public's information that staff reviews the sealed closed session minutes on a monthly basis with the County Attorney and determines which, if any, can be unsealed.

AGENDA MODIFICATIONS

There were no agenda modifications.

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

CONSENT AGENDA

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

The following items were approved:

MINUTES

The minutes of the December 10, 2012 regular meeting and sealed closed session were approved.

APPOINTMENTS

Chairman Hawkins asked the Board to consider delaying the Commissioner appointments to the next meeting and at that meeting to handle all Commissioner appointments.

BOARD OF HEALTH

The terms of Jeanne Byrne, Wiley Cozart and Kelvin Phillips have expired. Ms. Byrne is eligible and willing to serve another term. Health Director Steve Smith has mailed letters to all local dental practices soliciting interest in the dentist position to replace Mr. Cozart. As of this date, there have been no responses.

Commissioner Chappell moved to reappoint Jeanne Byrne, seconded by Commissioner Lemel and unanimously approved.

The term held by former County Commissioner Kelvin Phillips will be considered at the next meeting.

PLANNING BOARD

The term of Mark Tooley expires at the end of January. He is eligible and willing to serve a full term. It is also the responsibility of Commissioners to appoint the chairman annually. Scott McCall is the current chairman and he is eligible and willing to serve again as chairman.

Commissioner Chappell nominated and moved to appoint Jake Dalton. The motion was seconded by Commissioner Hogsed. Commissioner Chapman pointed out that a few months ago Commissioners gave the Planning Board a specific project to work on and he is concerned about changing the membership in the middle of the project. **The motion failed by a vote of 2 to 3, with Chairman Hawkins and Commissioners Chapman and Lemel voting against.**

Commissioner Lemel moved to reappoint Mark Tooley. The motion was seconded by Commissioner Chapman. The motion passed by a vote of 3 to 2, with Commissioners Chappell and Hogsed voting against.

Commissioner Chappell moved to reappoint Scott McCall as chairman for 2013, seconded by Commissioner Chapman and unanimously approved.

RECREATION ADVISORY BOARD

The terms of Jeff Andersen, Todd Branham and Tamera Lawrence expire at the end of January. All are eligible and willing to serve another term. It is also the responsibility of Commissioners to appoint the chairman annually. Bill Sack is the current chairman and he is eligible and willing to serve again as chairman.

Commissioner Lemel moved to reappoint Jeff Andersen, Todd Branham and Tamera Lawrence. The motion was seconded by Commissioner Chappell. Commissioner Chapman inquired about the attendance of these individuals to board meetings. He would like this information to be provided on all future reappointments. The Clerk reported that the recommendation came from the Parks and Recreation Director who facilitates these board meetings. The Manager said staff has been consistent in reporting attendance problems with board and committee members. **The motion was unanimously approved.**

Commissioner Chappell moved to reappoint Bill Sack as chairman for 2013, seconded by Commissioner Lemel and unanimously approved.

Commissioner Chappell moved to table Items VI. D-G (Tourism Development Authority-County Commissioner Appointment; Land-of-Sky Regional Council-County Commissioner Appointments; French Broad River Metropolitan Planning Organization-Ex-Officio Non-Voting Member; Chamber of Commerce Board of Directors) on the agenda to the next meeting, seconded by Commissioner Lemel and unanimously approved.

NEW BUSINESS

REFINANCING OF FIRE APPARATUS-LAKE TOXAWAY

The Lake Toxaway Fire Rescue Board of Directors is pursuing refinancing their current debt (approximately \$703,000) on an E-One Rescue Pumper and E-One Ladder Truck. The current interest rates are 5.35% and 5.85% respectively. The new interest rate would be 2.63% for a period of 10 years. The interest savings will be approximately \$84,000. A Public Hearing was held on Tuesday, January 8, 2013 at the Lake Toxaway Fire Department as required.

Commissioner Chapman made a motion to support the refinancing of an E-One Rescue Pumper and E-One Ladder Truck by the Lake Toxaway Fire Rescue by approving Resolution 01-2013. The motion was seconded by Commissioner Hogsed and unanimously approved.

(Resolution 01-2013 Approving the Financing By Lake Toxaway Fire/Recue, Inc. Of Up To \$703,000 for the Refinance of Aerial Truck and Pumper Truck Project is hereby incorporated by reference and made a part of these minutes.)

WESTERN CAROLINA COMMUNITY ACTION'S APPLICATION FOR COMMUNITY SERVICES BLOCK GRANT

Western Carolina Community Action (WCCA) is making a grant application for the first year of a three-year grant to help bring 22 families in Henderson, Polk and Transylvania Counties out of poverty. Five of those families reside in Transylvania County. One of the required criteria is that the Boards of Commissioners of the three counties must review the application and be given the opportunity to provide comments. Comments will be forwarded to WCCA who will submit them to the Community Services Block Grant program. No County funds are required.

Barbara Greene, Community Services Program Director, in response to questions by Chairman Hawkins, stated that the goal of the grant is to prevent the clients from having to use public assistance monies. She pointed out that WCCA has a track record of success with helping citizens. Each year every Community

Action organization in the country can submit one client's success story for an award and last year the winner came from Transylvania County.

Commissioner Lemel said she finds it sad that such a tremendous amount of paperwork has to be generated to help so few families in these communities. She also commended WCCA for their return on investment. Every \$1 invested saves \$12.17.

Commissioner Lemel moved to authorize the Clerk to sign the Documentation of Submission to County Commissioners form. The motion was seconded by Commissioner Chapman and unanimously approved.

RENEWAL OF AUDIT CONTRACT

Martin Starnes & Associates has been the County's auditing firm since FY 2010-11. Finance Director Gay Poor reported that now is the time to extend the service agreement with them or go out for bid for another firm. Martin Starnes & Associates has submitted a service extension agreement for consideration by the Board of Commissioners. The fee of \$32,300 quoted for FY 2013 is the same as in FY 2012 and 2.9% more than the FY 2010 and FY 2011 charges. The new fee schedule shows a 2.2% increase for FY 2014 to \$33,000 and a 2.1% increase for FY 2015 to \$33,700.

The Manager noted that the Board contracted with a new audit firm in FY 2010-11 to get a fresh look at the County's finances. The first year with a new auditor requires a tremendous amount of work and staff time to acquaint the auditors with the County's finance practices. The Manager suggested Commissioners take into consideration that the County has contracted with Martin Starnes & Associates for a period of only three years. He does not think it is time for Commissioner to consider another firm and recommended Commissioners extend the service agreement with Martin Starnes & Associates.

Commissioner Lemel moved to authorize staff to extend the service agreement with Martin Starnes & Associates and negotiate the fee. The motion was seconded by Commissioner Chapman.

Commissioner Chapman agreed now is not the time to change auditors. Commissioner Lemel said the cost is not unreasonable, especially when taking into consideration cost of living allowance and the increasing cost of health insurance. Commissioner Hogsed clarified that staff intends to negotiate the fee and asked if the negotiated agreement would come back before the Board for approval. The Manager stated that this motion gives direction to staff and staff will negotiate the fee not to exceed the service agreement submitted by the auditor. **The motion passed by a vote of 4 to 1, with Commissioner Hogsed voting against.**

MANAGER'S REPORT

1. New Animal Shelter- Work is progressing on the new shelter. To date there has been only one small change order in the amount of \$1,234.09. The target date for completion is March. The architect and is planning a visit next week to review the construction. He will bring along an engineer to inspect the HVAC system. The Friends of the Animal Shelter is within \$1,500 of reaching its \$350,000 fundraising goal.
2. Renovation of second floor of the Courthouse is expected to begin within the next two weeks. Both phases of construction will take 45 days each.
3. Western Highlands Managed Care Organization has made significant strides over the last six months to turn a deficit position around. The Board is in the process of selecting a new Executive Director to be in place by March. The State delayed the implementation of the Medicaid Waiver as a result of all the problems identified by Western Highlands. There is major concern about a new State law regarding the makeup of the Western Highlands Board. The new law calls for more advocate participation than local government participation. The Manager asked

- Commissioners to consider a resolution in the near future that would ask the State legislature to reconsider the new makeup of the Board.
4. Staff is working with the City of Brevard on several different projects where there could be the potential of sharing resources. These include:
 - a. Identifying City Information Technology needs and ways the two entities might share resources
 - b. Recreation programs that might potentially be provided by the County
 - c. Assistance in providing transportation services to and from the Brevard Music Center for students residing there
 5. Worked with Soil and Water Conservation and Cooperative Extension Service to submit letters of intent for two grant applications to WNC Communities for the TVA settlement dollars. The first is to protect agriculture and forestry land and stream bank erosion (removal of trees and debris jams on the French Broad River) and the second for equipment needed by local farmers to help facilitate agriculture in the community. There are no matching funds required.
 6. Work at the Pisgah Forest Convenience Center is progressing. The cardboard compactor is ready to be set and should be in operation by the end of January.
 7. Interviews will begin shortly for the Building Inspection Director's position. Jeff Fisher will be retiring in March.
 8. Sealed closed session minutes were reviewed and none can be opened at this time.
 9. A retirement celebration for Kenneth McJunkin will be held on February 8 in the Rogow Room at the Library. He is the NC Forest Service Ranger that serves Transylvania County.
 10. Attended a training session sponsored by the School of Government regarding water resources and included ethics training. Three Commissioners attended as well.
 11. Staff is reviewing and developing security plans for all County facilities. Staff has started with the New Adventure Learning Center and immediately changed the way people can enter and exit the facility. Last week staff met with School Resource Officers to discuss their recommendations for making changes in the school facilities. Staff will be working on policies for all County buildings. Any additional funding these changes may require will be brought forth to the Board of Commissioners for consideration.

Commissioner Lemel questioned providing transportation to students at the Brevard Music Center. The Manager said he plans to meet with City officials next week to better understand their concerns about transportation needs in this area.

Commissioner Lemel inquired if there was intent to request a no till drill with TVA settlement dollars. The Manager said this item was mentioned during the discussion of the application process. A machine such as this is very costly and there is concern about the maintenance of the machine. Staff hoped to get information about this machine before moving forward to include it in the application.

Also, in response to a question by Commissioner Lemel, the Manager responded that the County is waiting for Duke Energy to change the meter at the Pisgah Forest Convenience Center before the installation of the cardboard compactor is complete.

PUBLIC COMMENT

There were no public comments.

COMMISSIONERS' COMMENTS

Commissioner Lemel reported over the last two weeks she has attended numerous meetings related to County facilities needs, improving communication between Brevard College and the community,

managing employee healthcare costs, and managing economic development in the County by working more effectively with the Economic Development Advisory Board and the City of Brevard. She also met with the Superintendent of Transylvania County Schools to try to improve the County's relationship with the school system. She also spent some time with Chairman Hawkins and newly elected State Representative Chris Whitmire to talk about legislative needs for Transylvania County. Commissioner Lemel attended two days at the Local Elected Leaders Academy sponsored by the UNC School of Government and the NC Association of County Commissioners. She attended with Chairman Hawkins, Commissioner Chapman and the Manager. The academy provided an opportunity to learn about all the moving parts of being a County Commissioner and included mandated ethics training. All Commissioners attended on a scholarship. Commissioner Lemel plans to attend additional seminars in March related to Human Services and Strategic Planning.

Commissioner Chapman attended the academy in Asheville as well. There was a session dealing with water issues which is a critical issue for the County. Commissioner Chapman attended a function for newly elected Governor Pat McCrory. The Governor's priorities are dealing with the tax structure, specifically with corporate tax and income tax, in an effort to make this State more competitive. Commissioner Chapman congratulated former County Commissioner and State Representative David Guice for his appointment as chief deputy secretary over the Division of Adult Correction, and Brad Ives, brother of Commissioner Lemel, for being named the Assistant Secretary for Natural Resources. Governor McCrory is working to reshape State government. Commissioner Chapman also reported that he attended ethics training as well.

Commissioner Chappell, on behalf of newly elected US Congressman Mark Meadows, thanked everyone for their support. Congressman Meadows plans to visit each district over the next few weeks.

Chairman Hawkins reported that some discussions with Representative Whitmire were related to water and economic development issues. Chairman Hawkins also attended the Local Elected Leaders Academy, specifically the seminar on water issues. He said one important component of that class was that there were officials from the City of Brevard in attendance. It was useful to be sitting at the table talking about these issues that are common issues for Transylvania County. Chairman Hawkins has also been involved with helping the local VISION class expand into high school with the goal of teaching students, the County's future leaders, about the different components of Transylvania County. On January 28, 2013 they plan to hold a program in the Library where the students will form their own board of county commissioners and discuss difficult topics. He encouraged everyone to attend. Chairman Hawkins also attended the ethics training.

Chairman Hawkins moved to enter into closed session per 1. NCGS 143-318.11 (a) (6) to consider the qualifications and conditions for employment for County Attorney, 2. Per NCGS 143-318.11 (a) (3) to consult with an attorney, (4) to discuss matters relating to location or expansion of industries or businesses, and (5) potential acquisition of real property, after a 5 minute recess. The motion was seconded by Commissioner Chapman and unanimously carried.

CLOSED SESSION

Per NCGS 143-318.11 (a) (6) to consider the qualifications and conditions for employment for County Attorney, closed session was entered into at 8:15 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Hogsed and Lemel, County Manager Artie Wilson, and Clerk to the Board Trisha Hogan.

Commissioners conducted an interview for the County Attorney position.

Per NCGS 143-318.11 (a) (3) to consult with an attorney, (4) to discuss matters relating to location or expansion of industries or businesses, and (5) potential acquisition of real property. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Hogsed and Lemel, County Manager Artie Wilson, County Attorney David Neumann, Planning and Economic Development Director Mark Burrows, and Clerk to the Board Trisha Hogan.

The Manager updated Commissioners on a potential economic development project. Commissioners consulted with the County Attorney and instructed staff on how to proceed.

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

OPEN SESSION

Commissioner Chappell moved to seal the minutes of both closed sessions until such time that opening the minutes would not frustrate the purpose of the closed sessions. The motion was seconded by Commissioner Chapman and unanimously approved.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Chapman moved to adjourn the meeting, seconded by Commissioner Lemel and unanimously carried.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board