

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**July 22, 2013 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, July 22, 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, Attorney David Henson (in the absence of County Attorney Tony Dalton), and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Eric Crews  
*WLOS News* – Kimberly King

There were over 200 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding called the meeting to order at 7:06 p.m.

**WELCOME**

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

**PUBLIC COMMENT**

Chris Lewis: Mr. Lewis is a resident of Pisgah Forest. He reported that he recently attended a Board of Education meeting and commented during the public comment period. While attending several budget meetings between the Board of Education and Board of Commissioners, he found school funding from the County level to be contentious and unclear. Mr. Lewis said the school system faces many challenges in managing their \$35 million budget and unfortunately they do not have much flexibility; however, there seemed to be enough flexibility to provide large raises for administrative staff, while teachers are set to receive only a cost-of-living adjustment. Mr. Lewis' purpose for attending the Board of Education meeting was to encourage the school system to be more transparent and open about the budget and actual amount spent in the entire school system, but particularly as it relates to County appropriations. Mr. Lewis also questioned several items on the Board of Education's capital outlay and the costs associated with them. He believes taxpayers deserve to know how monies are really being spent. Mr. Lewis asked Commissioners to look for ways to create more transparency and accountability so everyone can understand where the investment is and is not being made.

James Kimzey: Mr. Kimzey is a local attorney who represents a group of landowners in the Penrose community. He referred to a recent letter by the President of Renewable Developers and he stated that the letter claims a number of falsehoods. First, Mr. Kimzey said there is no permit on record with the NC Utilities Commission as stated in the letter, but rather an incomplete application for a permit. Secondly, no one has delayed this project. Instead, the developer worked for two years in secret to develop a bio-mass facility to produce diesel fuel, and now the business plan has changed to collecting municipal solid waste from all over the region for the purposes of producing electricity. Thirdly, after a public meeting in Transylvania County, County officials and residents demanded the proper information from the developer so the project could be properly studied. The developer has provided no response. Mr. Kimzey said there

are no true business plans for this facility and it is hypocritical for the developer to lay any blame on County officials or citizens. Mr. Kimzey encouraged Commissioners to support the moratorium on the bio-mass facility with the changes recommended by People for Clean Mountains which will allow time to further study the project and ensure that the project is economically sound and will not pollute the environment.

Cyndy Cathcart: Ms. Cathcart is a resident of the Penrose community. She thanked Commissioners for their efforts in researching the proposed biomass facility and their time spent on developing the moratorium ordinance. She asked Commissioners to consider the importance of community support for this business, as well as the long term financial stability. Ms. Cathcart reported that during a public meeting on the biomass facility the developer stated that community support for the biomass facility was of medium importance. At another public meeting, the landowner revealed that if the tax credits are not renewed by the end of 2013 the business model for the biomass facility would fail. Ms. Cathcart was offended by a recent letter from the developer calling citizens who signed the petition requesting a moratorium a “fringe opposition group funded by mostly wealthy landowners”. She said the proposed business may have serious negative consequences on public health, yet the developer considers community support of medium importance and admits that their financial success relies on tax credits, and have clearly demonstrated that they do not know or understand the community. She encouraged Commissioners to approve the moratorium with broader language as recommended by People for Clean Mountains.

David Bradford: Mr. Bradford is a Transylvania County resident. He said he is baffled when people describe Transylvania County as a distressed community because he does not see it that way. That misperception opens the County up to people who come here, not because of the County’s strengths, but because of what they perceive as the County’s vulnerabilities. Mr. Bradford said when the County lost its manufacturing plants everyone experienced a period of grieving and depression and even misdirected anger. He believes it is time the County comes to a place of acceptance and work together to equip the people of this County with a functioning “fishing pole” so that the County is no longer vulnerable to those who come here to figuratively and literally poison the fish. Mr. Bradford believes the County’s best days are ahead.

Susan Evans: Ms. Evans is a resident of Brevard. She said she applied to be a member of the Independent Economic Development Task Force. She is excited Commissioners are moving forward. If selected to serve on the Task Force, she said she will be committed to the time and effort it will take.

Parker Platt: Mr. Platt is a resident of the Penrose community and would be a nearby neighbor to the proposed biomass facility. He is concerned that the developer seems to have very little interest in the citizens of this community. The business plan changed since the project was made public and very little information has been forthcoming. Furthermore, the developer has shown very little respect to the County and citizens. Mr. Platt said citizens deserve and should demand more from the developers. He urged Commissioners to vote in favor of the moratorium, including the revised language proposed by People for Clean Mountains. Once that is done, Commissioners need to work hard addressing the economic development needs of the County, including addressing high impact industries and land use. Mr. Platt hopes the result will be that the community comes together to plan for the future in a positive way. He closed by thanking the members of People for Clean Mountains, a group that represents a broad cross-section of the community, for their work on bringing the community together and educating others about the impact of biomass facilities.

Michael Brown: Mr. Brown urged Commissioners to vote yes on the moratorium on the biomass facility.

Jim Reynolds: Mr. Reynolds represented the Sierra Club. He reported that the Sierra Club (Pisgah Group of the North Carolina Chapter) fully supports the efforts by People for Clean Mountains.

### AGENDA MODIFICATIONS

There were no agenda modifications.

**Commissioner Hogsed moved to approve the agenda, seconded by Commissioner Lemel and unanimously approved.**

### CONSENT AGENDA

**Commissioner Lemel moved to approve the Consent Agenda, seconded by Commissioner Chappell and unanimously carried.**

The following items were approved:

#### MINUTES

The minutes of the June 24, 2013 regular meeting and the June 26, 2013 special meeting were approved.

#### DISCOVERY AND RELEASE REPORT

The Discovery and Release Report from June 25-30, 2013 was approved. Total tax dollars released was \$612.41. Refunds totaled \$25.25.

#### DONATION OF SURPLUS VEHICLE TO RESCUE SQUAD

The Transylvania County Rescue Squad has requested that the Board of Commissioners donate a surplus vehicle in the Sheriff's Office to them. The Manager has declared the vehicle as surplus. North Carolina General Statute 160A-280 requires the County to post a public notice at least five days prior to the adoption of a resolution approving the donation. The Manager asked for authorization to proceed with posting the notice. Staff will then prepare a resolution for approval at the next meeting.

Commissioners authorized staff to proceed with posting the required public notice of the Board's intent to donate a surplus vehicle in the Sheriff's Office to the Transylvania County Rescue Squad and to prepare a resolution for approval at the next meeting.

### PRESENTATIONS/RECOGNITIONS

#### IN RECOGNITION OF PATRICIA "TRISH" HAMILTON

Trish Hamilton will retire from Transylvania County effective August 1, 2013. She has worked in the Planning and Economic Development Department since 1987 and has assisted businesses, citizens and County Departments for 26 years.

**Commissioner Lemel moved to approve Resolution 22-2013 In Recognition of Patricia "Trish" Hamilton. The motion was seconded by Commissioner Hogsed.** Commissioners thanked her for her years of service and the tremendous work she has done for the County. They wished her the best in her retirement and future endeavors. **The motion was unanimously approved.**

Ms. Hamilton thanked Commissioners for this recognition. She addressed the audience and assured the members of the public that staff has and always will have Transylvania County citizens' best interest at heart in all that they do. Planning and Economic Development Director Mark Burrows thanked her for all

she has done to carry the County forward, especially during periods of change. He invited everyone to attend a retirement celebration on Friday in the Community Services Building at 2:00 p.m.

(Resolution 22-2013 In Recognition of Patricia “Trish” Hamilton is hereby incorporated by reference and made a part of these minutes.)

### COUNCIL ON AGING PRESENTATION

Members of the Transylvania County Council on Aging gave a Power Point presentation showcasing the providers and resources available for seniors in Transylvania County. Monies to provide these services pass through the County in the form of Home and Community Care Block Grant Funds. The providers do a wonderful job of caring for senior citizens and helping them have a quality of life.

Some of the services provided to seniors are:

1. Koala Adult Day Services – provides an organized program of services for the purpose of promoting the personal independence of older adults
2. Transylvania Regional Hospital Home Care Services – patients are evaluated as to their need; Home Care staff provide care that can delay or even prevent institutionalization of a loved one
3. Western Carolina Community Action – responsible for the following four programs: Lunch Plus, Home Delivered Meals, Silvermont Opportunity Center, and The Community Resource Connections
4. Senior Companions – companions help seniors with the simple tasks of day-to-day living and provide socialization with other seniors
5. Transylvania County Transportation – brings seniors from specified parts of the County to Lunch Plus and medical appointments
6. Pisgah Legal Services – helps seniors live independently in their homes as long as possible; protects seniors from financial and/or physical abuse, harassment; assists seniors with end of life planning

Cuts in funding will affect the quality of life and perhaps even the length of life for many seniors. The Council on Aging urged everyone to prepare for North Carolina’s aging future and continue to invest in seniors, even through difficult economic times. The senior population in Transylvania County continues to grow and it will take the entire community to help meet their needs.

Commissioners thanked the members of the Council on Aging and all those who work for the providing agencies to care for the senior citizens of this community. Chairman Hawkins hopes there will be discussion in the near future about a systematic aging plan so that the County will be prepared to care and provide for seniors and the aging population. He used Orange County’s plan as an example.

## **APPOINTMENTS**

### APPOINTMENT OF REVIEW OFFICERS FOR TRANSYLVANIA COUNTY

North Carolina General Statute 47-30.2 requires that the Board of County Commissioners designate, by name, one or more persons experienced in mapping or land records management to be appointed as a Review Officer to certify that maps or plats presented to the Register of Deeds are in compliance with all statutory requirements needed for recording.

Chris Hnatin was hired full time as the County Planner on July 1, 2013. He has attended a Review Officer Training course offered by the North Carolina Department of the Secretary of State. Michelle McCall has been hired to replace Trish Hamilton who will retire at the end of the month. She will be taking the required training. In order for them to review and sign maps or plats brought to the County

Planning and Economic Development Department, a resolution must be approved by the County Commissioners.

**Commissioner Lemel moved to approve Resolution 21-2013 Appointment of Review Officers for Transylvania County (Chris Hnatin and Michelle McCall), seconded by Commissioner Chapman and unanimously approved.**

(Resolution 21-2013 Appointment of Review Officers for Transylvania County is hereby incorporated by reference and made a part of these minutes.)

**RECOMMENDATION FOR MEMBERS OF THE INDEPENDENT ECONOMIC DEVELOPMENT TASK FORCE AND PRODUCT DEVELOPMENT TASK FORCE**

As a result of the Goldsmith study on economic development, the Board of Commissioners agreed to select an Independent Economic Development Task Force consisting of seven members who would be willing to commit their time and effort up to a 12-month period. The members should be willing to demonstrate the following characteristics: be strategically oriented, be open-minded to change, have business and management experience, knowledge of economic development, ability to communicate and work as a team player. A member of the task force cannot be an employee of any of the local governments in Transylvania County. Also, if a member serves on one of the potentially impacted organizations they would have to relinquish their position in that organization in order to participate on the Task Force.

The Clerk to the Board advertised for the Independent Economic Development Task Force for two weeks in *The Transylvania Times* and received 13 applications.

A committee consisting of Linda Coye, Frank Porter, Larry Nelson, Mark Burrows and the Manager reviewed the resumes and conducted interviews with seven of the applicants. The committee recommends the following individuals be appointed to the Independent Economic Development Task Force: David Bradford, Karen Gleasman, Ruth Harris, Billy Higgins, David Neumann, David Watkins and Jackie Whitmire. The committee recommends that Karen Gleasman serve as chair. Further, the committee recommends the Task Force invite Jeanette Goldsmith to a meeting to review her organizational recommendation in greater detail.

**Commissioner Lemel moved to appoint the following individuals to the Independent Economic Development Task Force: David Bradford, Karen Gleasman, Ruth Harris, Billy Higgins, David Neumann, David Watkins and Jackie Whitmire. Additionally, she moved to appoint Karen Gleasman as chairman of the committee. The motion was seconded by Commissioner Chapman.** Commissioner Lemel commended the selection committee on the diversity of the recommendations and said she was impressed with the quality of individuals who applied to serve on the Task Force. Commissioner Chappell asked for confirmation that each of the individuals is agreeable to the time commitments. The Manager confirmed. Chairman Hawkins reiterated Commissioner Lemel's comments about the quality of the applicants. He commented that each person has different strengths and as a group they will complement each other. Commissioner Chappell thanked all those who helped with this process. Commissioner Chapman said moving forward with forming this Task Force sends the message that the County is taking economic development seriously. Commissioner Hogsed also thanked those that helped with the selection process and all those that applied who were not selected. He encouraged those not selected to continue to stay engaged. **The motion passed by a vote of 4 to 1, with Commissioner Hogsed voting against.**

The Board of Commissioners also approved the establishment of a nine member Product Development Task Force with the task of a) identifying a 50-100 acre parcel(s) as a potential location for a business

park, b) developing a plan and recommendation on how to control the property(s), c) developing a plan to extend utilities to the property including estimates and time frames to construct utilities, and d) determining if the concept of a virtual building is feasible. Four members of the Product Development Task Force would come from the Planning Departments and Planning Boards from both the City and the County. An additional five members would be at-large members of the public.

The Clerk to the Board advertised for the Product Development Task Force for two weeks in *The Transylvania Times* and received three applications.

The recommended members for the Product Development Task Force are as follows: Josh Freeman, City Planning Director; a member of the City Planning Board to be named; Mark Burrows, County Planning and Economic Development Director; Scott McCall, Chairman of the County Planning Board; David Dew, Mack McNeely, Don Surrette, Ed Coye and Larry Nelson. The recommendation is for Don Surrette to chair the committee.

**Commissioner Lemel moved to appoint the following individuals to the Product Development Task Force: Josh Freeman, to-be-named City Planning Board member, Mark Burrows, Scott McCall, David Dew, Mack McNeely, Don Surrette, Ed Coye and Larry Nelson. Additionally, she moved that Don Surrette chair the committee. The motion was seconded by Commissioner Hogsed.**

Chairman Hawkins thanked those who are willing to devote their time and energy to work on this very important Task Force. Commissioner Chapman reminded everyone that this involves an investment by the County. **The motion was approved unanimously.**

#### BLUE RIDGE COMMUNITY COLLEGE BOARD OF TRUSTEES

Teresa McCall's term expired at the end of June. She does not wish to be reappointed. There are four eligible applications on file. Staff recommended the appointment of Tom Dempsey to replace Teresa McCall on the Blue Ridge Community College Board of Trustees. The term will be for a period of four years.

**Commissioner Lemel moved to appoint Tom Dempsey to replace Teresa McCall on the Blue Ridge Community College Board of Trustees for a term period of four years. The motion was seconded by Commissioner Hogsed.** Commissioner Chappell recused himself from voting being he is employed by Blue Ridge Community College. Commissioner Lemel pointed out that Mr. Dempsey brings manufacturing expertise to the Board of Trustees which is a very important element to the success of the community. **The motion passed unanimously. (4-0)**

#### **OLD BUSINESS**

#### JOINT RESOLUTION OF THE TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS AND TRANSYLVANIA COUNTY BOARD OF EDUCATION REFERENCE LIGHTING AT BREVARD HIGH SCHOOL

The Board of Education wishes to borrow funds not to exceed \$167,682.50 for the purchase and installation of stadium lighting at Brevard High School, which has become a safety concern. The Board of Commissioners wishes to avoid the payment of any interest under a proposed financing agreement by a third party. To avoid the payment of interest the County is willing to loan the Board of Education funds not to exceed \$167,682.50, with payment to be made over a five-year period beginning in fiscal year 2014 at an interest rate of zero percent. The payment over a five-year period will not exceed \$31,689.64 per year.

**Commissioner Lemel moved to approve Joint Resolution 23-2013, seconded by Commissioner Chappell and unanimously approved.**

(Resolution 23-2013 Joint Resolution of the Transylvania County Board of Commissioners and the Transylvania County Board of Education is hereby incorporated by reference and made a part of these minutes.)

#### BIOMASS FACILITY USING SOLID WASTE AS A FEEDSTOCK MORATORIUM

The Board of Commissioners held a public hearing on July 8, 2013 on a proposed moratorium ordinance to prohibit any local permits from being obtained to construct a biomass facility. During the public hearing the group "People for Clean Mountains" expressed their concerns about the moratorium being too narrowly worded. Since the public hearing, Commissioner Lemel, County Attorney Tony Dalton and the Manager discussed the broadened moratorium with David Owens at the UNC School of Government. Mr. Owens saw no problem with the wording change which broadens the scope to include any other facility generating biomass derived energy products using a pyrolysis process and/or combustion-related technology. The Manager recommended approval of the second moratorium ordinance.

**Commissioner Lemel moved to approve An Ordinance of the Transylvania County Board of Commissioners to Prohibit the Issuance of Any and All Development Approvals Required by Law in the Development and Construction of (1) a Biomass-Electricity Generating Facility, and/or Any Other Facility Generating BioMass Derived Energy Products Using a Pyrolysis Process and/or Combustion Related Technology, and/or 2) a Materials Recovery Facility, and /or (3) Any Facility Using Municipal Solid Waste as a Feedstock. The motion was seconded by Commissioner Chapman.**

Commissioner Chapman commented that very little industry is 100% clean. It is up to the local government to determine what is best for the community. Commissioner Chapman said it is going to be critical in the future to find a solution for reducing the amount of garbage going into landfill. He intends to vote in favor of the moratorium for the purposes of allowing time to get more input on the biomass facility; however, his vote is not a means of killing the project altogether. With that said, he also has no intention of supporting the project if the developer does not provide the necessary information to the County.

Commissioner Hogsed agreed with most of Commissioner Chapman's comments. He believes the environmental and health questions should be answered by the EPA and DENR because that is why those agencies were created; however, he is extremely disappointed that the developers have not been more forthcoming with information requested by County officials. With there being only one other facility of this nature, that being in South Korea, he wondered why the developer chose Transylvania County. Commissioner Hogsed said he is committed to protecting the uniqueness of Transylvania County. He supported the first moratorium with the more narrowly worded language which will focus on this particular project.

Commissioner Chappell expressed concerns about enacting moratoriums in general because of the precedent they set. He also has concerns about the developer not providing answers to questions by the County and citizens as promised. He believes the due diligence process will be had because of DENR and EPA regulations.

Commissioner Lemel said the lack of information being provided by the developers is appalling. Therefore she is comfortable moving forward with the moratorium because the County needs a longer period of time to learn more about this project and determine what type of industry the people of this County are willing to tolerate. Commissioner Lemel said she is also comfortable in watching local government respond to its citizens and is committed to listening to the people of this County.

Commissioner Chapman noted that this project involves a private landowner and private developer in a County with no zoning and only 24% of the land available for development. So it will be important to hear from the citizens and decide as a community how to move forward in the future, especially if citizens are concerned about the many types of industry that could locate here. If not addressed with land use planning or zoning, the County will be right back in this same situation if another type of industry attempts to locate here that the citizens do not want.

Chairman Hawkins complimented the members of the public and groups that have formed with a common interest in this project because they have been able to mobilize quickly and provide Commissioners and County staff with good information. He reiterated that the purpose of this moratorium is to ensure time to understand the impacts of these types of high impact uses. This project is the one tangible example, but theoretically others could arise. The current project is highly complicated because of the lack of information being provided by the developers; therefore, he believes the moratorium is appropriate. The larger challenge from the developer, however, may not be at the local level, but at the State level. The State regulatory approval process is rigorous and long.

There were no further comments, and **the motion passed by a vote of 3 to 2, with Commissioners Chappell and Hogsed voting against.**

Chairman Hawkins declared a 5 minute recess to give time for those not wanting to stay for the remainder of the meeting to exit since such a large crowd was in attendance.

#### CORRECTION OF WATER PROBLEM AT MAINTENANCE FACILITY

All water runoff at the Maintenance Facility is collected in a rain garden with an overflow in a holding pond which releases the water at the foot of the bank. When there are large rain events like there have been over the last few weeks, the rain garden overflows into the holding pond and the water is released. The holding pond is designed to slowly release the water, but when the rain is too heavy and the water reaches higher levels the amount of water released increases substantially in order to maintain the stability of the pond. At times when the pond reaches high levels the water has flowed to the neighbor's home and washed out their driveway. Staff took pictures of past events that show the amount of water coming out of the holding pond. To be a good neighbor and correct this problem, the Manager proposed diverting the water across the neighbor's property onto County property which will allow the water to flow through the ditch on Morris Road. The neighbor has already signed an easement agreement. The total project cost is estimated at \$128,100. There are monies set aside in the Designated Fund Balance. Approval of this project gives staff permission to go out for bids. Should bids come back higher than anticipated; staff will come back to the Board.

**Commissioner Lemel moved to approve a Project Budget for \$128,100 to correct the water problem at the Maintenance Facility. The motion was seconded by Commissioner Hogsed.** Commissioner Chapman asked if the ditch along Morris Road could handle the additional water and what other areas might be impacted. The Manager said rain water ends up at the same area today; it just flows from a different direction. Commissioner Chappell inquired about the amount of money spent on water retention on this project. The Manager said there was a significant amount of money spent on water retention to meet the requirements of the City's Unified Development Ordinance (UDO). Commissioner Chappell pointed out that the County followed and met the UDO requirements, which was designed so that situations like this do not happen. Commissioner Lemel asked if staff has discussed with the City this particular solution. The Manager said the City would prefer that the County divert the water to The Oaks and then into Lamb's Creek; however, the Board of Commissioners has previously voted against this option. Commissioner Hogsed apologized to the neighbors for creating this water problem. He intends to support the motion in order to be a good neighbor. Commissioner Chappell suggested that staff inform

the engineer of this problem even though the County met the requirements of the UDO. **The motion passed unanimously.**

### NEW BUSINESS

#### PROPOSED REVISIONS TO ANIMAL CONTROL ORDINANCE

With the soon-to-be opening of the new animal shelter, staff has been reviewing policies, procedures and the current Animal Control Ordinance. There are six key changes proposed to the current Animal Control Ordinance, as follows:

1. Clarification of Dangerous or Potentially Dangerous Dogs
2. Clarification of Nuisance including conditions that constitute a nuisance and process for addressing
3. Adding a definition of “Wild” to include feral cats
4. Clarification of Barking Dog Section with more clear guidelines for staff to determine if a violation exists
5. Change of minimum hold period requirement to be consistent with requirements (changes from 5 days to 72 hours)
6. Clarification of the Animal Control Violation, Enforcement, and Penalties Section to give guidance, authority and ability to enforce State and local laws pertaining to animal-related issues

The proposed changes have been reviewed by former County Attorney Curtis Potter, the School of Government, the District Attorney’s Office and Animal Control and animal shelter professionals in other jurisdictions.

Operations Manager David McNeill pointed out that many changes are suggested as a result of the management of Animal Control being removed from the Health Department and given to the County Manager.

The Manager asked Commissioners to direct staff to hold a public hearing on the proposed Animal Control Ordinance revisions for the first meeting in August.

Commissioner Chapman inquired about the hold period and if that time period is mandated by the State. Mr. McNeill said the County can modify the hold period as long as it is not less than the State’s mandate of 72 hours. The current County ordinance requires a 5-day holding period. The issue with this is that an animal advocacy group cannot remove an animal for foster or rescue purposes until the 5-day holding period is up.

Commissioner Chapman asked if the ordinance should state that the City handles its own animal control. Mr. McNeill reported that the City already has its own ordinance. The proposed ordinance would apply to all areas outside City limits. Mr. McNeill does not believe there should be a reference to the City animal control ordinance. The Manager noted that forthcoming is a separate agreement with the City in reference to the animal shelter.

Commissioner Chappell expressed concern over the section on barking dogs and nuisances. Mr. McNeill stated that staff consulted with the School of Government and the District Attorney’s office in an effort to put something in place that is enforceable so that Animal Control officers can assist citizens. It is the intent of Animal Control to be responsive to the citizens and have in place tools to assist citizens if they have an animal related issue. The ordinance will provide staff with direction as to how the Board of Commissioners wants them to respond to complaints and other issues.

Commissioner Chapman asked if there were any contradictions related to the Noise Ordinance with relation to barking dogs. The Manager responded that staff intends to revise the Noise Ordinance in the near future.

**Commissioner Chapman moved to direct staff to hold a public hearing on the proposed changes to the Animal Control Ordinance at the first meeting in August. The motion was seconded by Commissioner Hogsed and unanimously approved.**

#### POSITION REALLOCATION IN THE SHERIFF'S OFFICE

The Detention Lieutenant position in the Sheriff's Office recently became vacant. The Sheriff evaluated the office operations and proposed to reallocate the position to a Professional Standards Lieutenant position. The duties of the Detention Lieutenant will be consolidated and shared among current officers. The Sheriff has discussed the need for a Professional Standards Lieutenant position for some time due to the number of training hours required within in the Sheriff's Department. The reallocation will result in a savings of \$3,500+.

**Commissioner Lemel moved to approve the reallocation of the Detention Lieutenant position to a Training Professional Standards Lieutenant position. The motion was seconded by Commissioner Hogsed.** Commissioner Chappell thanked the Sheriff for looking for ways to save money. Commissioner Chapman made citizens aware of the great services offered by the Sheriff's Office, but noted that it comes at a great expense. He thanked the Sheriff and his staff for the job they do protecting the citizens of this community. At the request of Chairman Hawkins, Sheriff Mahoney explained the duties of the new position. A reduction in the hours contributed to the cost savings. **The motion was unanimously approved.**

#### 2012 TAX SETTLEMENT REPORT

Per NC General Statute 105-373 the Tax Collector is required to present an accounting and settlement of all taxes charged to be collected for 2012. The collection rate for Transylvania County for 2012 was 99.68% versus a budgeted collection rate of 99.50%. This is an outstanding collection rate and will more than likely be the highest tax collection rate in the State once again. The increase in the tax collection rate resulted in an additional \$42,649 in taxes collected. Tax Administrator David Reid and the Tax Office staff should be commended for their efforts.

For the benefit of the public, Mr. Reid offered the following information/statistics:

- Transylvania County collects all property taxes for all taxing authorities (City of Brevard, Heart of Brevard, Town of Rosman, fire districts)
- All taxes but \$77,006.54 was collected at the end of the fiscal year and gives the County the tax collection rate of 99.68% (over \$12,000 tied up in bankruptcy, so forced collection remedies cannot be used)
- Collected 99.81% of real and personal property taxes; collected 96.62% of motor vehicle taxes
- As of the delinquency date on January 7, 2013 almost 87% of citizens have paid their taxes
- Staff completed 236 bank attachments, 149 wage garnishments, 270+ payment plans, sent 4 demand letters, sold 4 properties, finalized 9 foreclosures from prior years, mailed 3,000+ letters for debt setoff (intercept tax refunds and lottery winnings from NC Department of Revenue)
- Working proactively with habitually late taxpayers
- Staff made over 20,000 phone calls in an effort to collect taxes

**Commissioner Lemel moved to approve the 2012 Tax Collector's Settlement Report. The motion was seconded by Commissioner Hogsed.** Commissioners congratulated Mr. Reid and his staff on

achieving an excellent tax collection rate and thanked them for all their hard work. **The motion was unanimously approved.**

### 2013 ORDER TO COLLECT TAXES

Each year the Board of Commissioners must authorize the Tax Administrator to collect the ad valorem taxes for that year. The Tax Collector must be charged with the 2013 Tax Bills which gives full and sufficient authority to collect taxes with forced remedies, if necessary, per NC General Statute 105-321.

The estimated levy for 2013 is \$26,214,000 for Transylvania County. The budgeted collection rate is 99.5% for a net collection of \$26,082,930, excluding additional motor vehicle taxes.

**Commissioner Lemel moved to authorize the Tax Administrator to take all legal means to collect the 2013 ad valorem taxes. The motion was seconded by Commissioner Chappell and unanimously approved.**

### MANAGER'S REPORT

The Manager updated Commissioners on the following:

1. Conducted interviews for the Independent Economic Development Task Force and Product Development Task Force.
2. Community Park near Rosman: Staff met with Engineer Terry Allen and Building and Permitting Director Mike Owen to develop a plan for the next phase. Mr. Allen plans to submit a proposal within two weeks. This phase includes adding a restroom/concession area which requires the addition of electricity and water, playground, basketball court, walking path, sidewalk, and lights on the baseball field. Staff hopes the project will get started in late August or early September.
3. Silvermont: Staff met with the Planning Team and reviewed the project phases. The critical item is remodeling the front porch. Staff is looking at developing a renovation schedule. Silvermont is already booked on several dates. The Manager will be asking for approval to move forward with the project at the August 12 Commissioners' meeting.
4. Completed plans for the ribbon cutting ceremony for the opening of the new Animal Shelter for Saturday, August 3 at 11:00 a.m. The animals will be moved on Monday, August 5. The shelter will be open to the public on Tuesday, August 6. Advertisement for the shelter manager is closed. Resumes will be reviewed this week.
5. Met with Parks and Recreation Director Rick Pangle and discussed what would be required if the County took over the recreation activities currently being provided by the City of Brevard. Will schedule a meeting with the City Manager soon to discuss the City's intentions and bring back a recommendation to Commissioners.
6. Met with Brian Ingram, CEO of Western Highlands/Smoky Mountain, to understand how the new partnership will impact mental health services for Transylvania County citizens. In the long term, the Manager believes the partnership will improve services here in the County. The transition will occur October 1, 2013.
7. Heard back from the NC Department of Transportation about placing directional signage to Brevard at the end of the exit ramps off I-26 at the Asheville Airport. The new signage should be completed in two weeks.
8. Met today with representatives from Duke Energy and Transylvania County Schools and the Mayor of Rosman to discuss an egress road for Rosman Elementary School.
9. Met with Chairman Hawkins and Commissioner Lemel for a conference call with School of Government to discuss the upcoming Board retreat. The dates for the retreat are scheduled for Friday, September 13 and Saturday, September 14 and will be held in the Community Services Building Conference Room. Commissioners should inform staff if something special is needed for those two days well in advance so staff can make arrangements to take care of those needs.

10. More Business Friendly Community (part of Goldsmith study): The Chamber is looking at developing a process to survey people who have obtained building permits and whether or not they were satisfied with the process. The Chamber was originally going to study only the City of Brevard but the Manager asked them to include the County as well. The small group consisting of Linda Coye, Frank Porter, Larry Nelson and the Manager will meet on July 29 to discuss how to make the community more business friendly.
11. Received approval from the NC Department of Environment and Natural Resources for a renewal permit for the operation of the County landfill. The permit is good for five years.
12. On Saturday at 2:00 p.m. there will be an event at the Courthouse gazebo to celebrate the 60<sup>th</sup> Anniversary of the cease fire of the Korean War; worked with City of Brevard, the Sheriff's Office and many others to ensure the event happens as planned.

Commissioner Lemel asked if the Friends of the Animal Shelter is involved with the selection of the animal shelter manager. Operations Manager David McNeill reported that he had discussions with Dr. Ann Holshouser to get input about the qualities the County should look for in a shelter manager. Mr. McNeill suggested the Manager invite a member of the group to be part of the selection process.

Chairman Hawkins asked if Transylvania County will be facing a larger local expenditure in maintenance of effort funds to the mental health managed care organization. The Manager said unless State laws are changed, Transylvania County will not be required to make a larger investment. In terms of size, the County makes a significant contribution toward mental health services. After the merger, there will be more requirements placed on providers. Providers will not be able to cherry pick services to provide. The Manager feels there will be more services provided in the County in the future.

### **PUBLIC COMMENT**

Kevin Glenn: Mr. Glenn thanked Commissioners for passing the moratorium on the biomass facility. There is still work to be done, one being the high impact land use ordinance. Mr. Glenn invited Commissioners to attend a meeting on August 8 where the speaker will provide solutions to waste reduction. He said it is likely that Transylvania County will be on the cover of every environmental newsletter across the nation because of the action Commissioners have taken at this meeting.

### **COMMISSIONERS' COMMENTS**

Commissioner Lemel announced that Chairman Hawkins will be recognized at the upcoming North Carolina Association of County Commissioners (NCACC) Convention in August for having achieved the level of Practitioner in education as an elected official. The Local Elected Leaders Academy is a partnership program of advanced learning for county and municipal elected officials housed at the UNC School of Government. The program was developed in response to an NCACC strategic goal to strengthen county leadership and board development. Chairman Hawkins is one of seven Commissioners recognized for reaching Practitioner status. Commissioner Lemel commended Chairman Hawkins for striving to improve himself and this Board.

Commissioner Lemel said she is still learning her role as a County Commissioner. During her learning process, she finds that the only way to educate herself is by asking questions. Because Commissioners have very some tough decisions to make, it is imperative she understands every issue so she can make the very best decision she can for the taxpayers of Transylvania County. Over the next few months she hopes this Board will expand the opportunities for the public to understand the process for how their government works and what the Board's obligations are to the citizens of this community.

Commissioner Chapman asked staff to provide an update on the employee wellness clinic at a future meeting.

Commissioner Chapman responded to comments made by Mr. Lewis during the first public comment period about transparency in how money is being spent within the school system. Commissioner Chapman suggested a mid-year budget review with the Board of Education through a joint meeting. This will help Commissioners better understand their budget.

Commissioner Chappell thanked all those serving in emergency services. They have had a difficult few weeks dealing with multiple tragedies.

Chairman Hawkins thanked everyone for their kind thoughts during the recent passing of his mother.

Chairman Hawkins reported that last Thursday, along with Commissioner Lemel, he attended a screening of the Living Wage Coalition movie. It was a powerful story and he encouraged everyone to see it. In it Transylvania County citizens talked about what it means to be poor and the challenges they face.

Chairman Hawkins introduced Austin Gragg, a rising sophomore at Brevard High School. Next month he will be attending the NC Association of County Commissioners Convention in Greensboro to participate in the Youth Summit. He thanked him for his interest in local government.

#### **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.**

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board