

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
August 12, 2013 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, August 12, 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, and Daryle Hogsed. Commissioner Page Lemel was out of town. Also present were County Manager Artie Wilson, County Attorney Tony Dalton, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Eric Crews

There were approximately 35 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:03 p.m.

WELCOME

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

PUBLIC HEARING

PROPOSED REVISIONS TO ANIMAL CONTROL ORDINANCE

With the opening of the new animal shelter, staff has been reviewing policies and procedures, including the current Animal Control Ordinance. Operations Manager David McNeill highlighted the six key changes to the current 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 from 5 days to 72 hours; current policy does not allow animals to be adopted out until after the hold period of 5 days
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

Mr. McNeill noted there are several changes related to the change of the management of Animal Control being transferred from the Health Department to the County Manager. The current ordinance was last updated in 1994.

For clarification purposes, Mr. McNeill said there is no set period for holding a particular animal. The new shelter manager would make the determination of the holding period based on adoptability, shelter population, etc. The new proposed ordinance would allow for animals to be adopted sooner, rather than

the shelter having to hold them for an additional two days. Further, the change is not intended as an attempt to euthanize an animal any sooner.

To address the issue on barking dogs and other changes proposed in the ordinance, staff received input from the UNC School of Government. Staff also worked with the District Attorney's office, Animal Control and the County Manager. In addition, staff reviewed other ordinances from counties in this part of the State. Mr. McNeill said the purpose was for staff to be able to put together a document for Commissioners' consideration so that Animal Control officers responding to calls have a clear understanding of how the Board of Commissioners intends for them to respond.

This item will be on the next agenda for the Commissioners' consideration.

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

Don Surrette: Mr. Surrette asked if the proposed ordinance includes enacting a leash law. The Manager responded that no leash law is included in the ordinance; however, it could be addressed should a nuisance occur.

Ken Goble: Mr. Goble stated he is a resident of Transylvania County. He had a problem with the section on barking dogs. He said his driveway is lengthy and his dogs bark when they hear vehicles coming down the driveway. The dogs do not stop barking until the vehicle gets to his house, which could be 10 minutes or longer. His dogs serve as an alert to him that someone is coming to his home. Mr. Goble believes this section is poorly worded for a rural County.

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

PUBLIC COMMENT

Dr. Clyde Brooks: Dr. Brooks spoke on behalf of the Friends of the Animal Shelter (FOTAS) and thanked Commissioners for their support and funding of the new animal shelter and for including a shelter manager in the budget. He also thanked County staff for overseeing the planning, financing and project management of the new animal shelter. Dr. Brooks also expressed gratitude towards the donors and volunteers who contributed their time and over \$350,000 to make the shelter a reality. FOTAS looks forward to continuing a close relationship with the County and to helping the County have the best animal shelter in the Southeast.

Roger Petit: Mr. Petit is an Alderman for the Town of Rosman. He spoke about the rockslide on Highway 178 and asked Commissioners to determine how to get signage from the South Carolina side directing people to use the bypass. He has witnessed two tractor trailer accidents because of the lack of adequate signage. Mr. Petit said he is bothered by the fact that the road has been closed for so long because it is highly traveled and negatively impacts travel and tourism to and from Transylvania County.

Mr. Petit also commented that there is an out-of-the County towing business on the rotation for emergency services. When that towing company is used, they tow the vehicle out of the County which means the local repair facilities are not being used to fix the vehicles. This is causing these local businesses to lose money. The Manager responded. He said there are three local towing companies and one outside the County on the rotation. The three local businesses are contacted first. If those three refuse the call or are busy, then the outside company is contacted. The Manager reported that refusals by the local companies are high. Mr. Petit's major concern is that the vehicles are being towed outside the County. He suggested that outside towing companies tow vehicles to an impound lot here in

Transylvania County to make it convenient for those vehicle owners that live in this County. The Manager agreed to follow up on his suggestion.

The Manager also responded about the rockslide on Highway 178. He has spoken with officials with the NC Department of Transportation even though the slide is in South Carolina. They have made an official request to the SC Department of Transportation for information. The local news station reported this morning that the rockslide should be cleaned up by the end of the month. Mr. Petit suggested that a sign be erected on Highway 11 in South Carolina so that tractor trailer drivers can be rerouted. The Manager will pass along that information tomorrow.

AGENDA MODIFICATIONS

There were no agenda modifications from the Manager or staff. Commissioner Chapman requested to remove Item VII.A Economic Development Advisory Board under Appointments. He spoke with the chairman of that board who requested a possible delay of 30 days because he expects additional vacancies to occur.

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

CONSENT AGENDA

Commissioner Hogsed moved to approve the Consent Agenda, seconded by Commissioner Chappell and unanimously approved.

MINUTES

The minutes of the July 8, 2013 regular meeting were approved.

APPOINTMENTS

TOURISM DEVELOPMENT AUTHORITY

Kristy Harris recently resigned from the Tourism Development Authority. She filled the position of an accommodations owner or operator. There are several applications on file, but only one that meets the criteria. Lori Roberts is the owner of the Sunset Motel. The recommendation is to appoint her to fill the unexpired term of Kristy Harris, with her term to expire October 2015.

Commissioner Chappell moved to appoint Lori Roberts to fill the unexpired term of Kristy Harris, with her term to expire October 2015. The motion was seconded by Commissioner Hogsed and unanimously approved.

BOARD OF EQUALIZATION AND REVIEW

Board of Equalization Review member Charles Duke passed away recently. His term is set to expire in January 2016. There are two applications on file; however, only one applicant is eligible. One of the applicants does not own property or real estate in the County which is one of the requirements of serving on this Board.

Commissioner Chapman nominated and moved to appoint John Decker to fill the unexpired term of Charles Duke, seconded by Commissioner Chappell and unanimously approved.

TRANSYLVANIA COUNTY COUNCIL ON AGING

The terms of Linda Dodds, Kathe Harris, Louise Koontz, Joan Uhler and Delores Stroup expire at the end of August. Delores Stroup and Joan Uhler do not wish to be reappointed. Those positions will be vacant while staff recruits members.

Barbara Greene, the WCCA representative, has retired. Sheila Galloway has taken her position and should fill her position on the COA.

Keith McCoy serves on the COA in the capacity of the County Transportation Director and his term indicates an automatic renewal. The request is to set term limits to coincide with the other appointments.

Jessica Nolan, the Health Department representative, has resigned her position in the Health Department. The Health Director is currently recruiting for her position so it will remain vacant for the time being.

There are no applications on file

Commissioner Hogsed moved to reappoint Linda Dodds and waive the term limits and reappoint Kathe Harris and Louise Koontz. The motion was seconded by Commissioner Chapman and unanimously approved.

Commissioner Chappell moved to appoint Sheila Galloway to replace Barbara Greene as the WCCA representative, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Hogsed moved to set the term limits for the County Transportation Office and reappoint Keith McCoy to a three-year term, seconded by Commissioner Chapman and unanimously approved.

Commissioner Hogsed moved to reappoint Louise Koontz as chair. The motion was seconded by Commissioner Chapman. Commissioner Chapman commented that this is very important council and he encouraged citizens to apply. The Clerk will continue to advertise for the vacancies. **The motion was unanimously approved.**

AREA COUNCIL ON AGING

The terms of Emily Stewart and Louise Koontz expired at the end of June. Delores Stroup has resigned. The recommendation is to waive the term limits and reappoint Emily Stewart and Louise Koontz to another term and appoint Kathe Harris to replace Delores Stroup.

Commissioner Chappell moved to approve the recommendation, seconded by Commissioner Hogsed and unanimously approved.

NURSING/ADULT CARE HOME ADVISORY COMMITTEE

There are three vacancies on the Nursing/Adult Care Home Advisory Committee. Barbara Johnson, Delores Stroup and Margaret Schleining have resigned for various health and family reasons. The Clerk advertised for the vacancies in May and July and received one application. It is the recommendation of Land-of-Sky Ombudsman Terry Collins to appoint Mary Grace Brennan to fill one of the vacancies. The Clerk will continue working with Ms. Collins to recruit members and will also continue including these vacancies in future advertisements.

Commissioner Chapman moved to appoint Mary Grace Brennan to fill one of the vacancies on the Nursing/Adult Care Home Advisory Committee, seconded by Commissioner Chappell and unanimously approved.

OLD BUSINESS

SILVERMONT RENOVATIONS

In April, the Silvermont Strategic Planning Team made a presentation to the Board of Commissioners and recommended a preservation plan for the Silvermont Mansion. Commissioners accepted their recommendations and instructed the Manager to work with the Planning Team to propose a budget for FY 2014 for stabilizing the Mansion with monies to come from the Unassigned Fund Balance from the Silvermont Reserves.

The following list was developed from the Silvermont Centennial Committee's Preservation Plan. These are true estimates and may change due to unknown conditions. The Committee feels this is the first step in extending the longevity and preserving the Mansion for generations to come.

1. Repair/replace the front porch and columns	\$65,000
2. Roof repairs including dormers and eaves	\$25,000
3. Construction aids (lifts, etc.)	\$15,000
4. Restore storm windows on first floor	\$24,500
5. Basement windows and wells	\$ 4,000
6. Replace rotten & deteriorated wood all around building (as needed)	undetermined
7. Pressure wash and clean building	\$ 5,000
8. Paint exterior	\$25,000
9. Repair & re-point brick	\$ 3,000

Approximate costs \$200,000

The Manager asked Commissioners to authorize moving forward with the above stated renovations in order to stabilize the building with funds to come from the Unassigned Fund Balance in the Silvermont Reserves of up to \$200,000. As work begins, staff will be consulting with the architect that worked on the project, as needed. The Manager noted that the cost of the entire renovation and preservation project is over \$2 million. The Strategic Planning Team is embarking on fundraising efforts.

The Manager noted that the renovations will temporarily affect the usage of the building. It is the intent to keep the Senior Citizen Center operating. He further noted that each project will not be brought back before the Board for approval because each one falls below the limit of having to officially go out for bids.

On behalf of the public, the Manager explained how the Silvermont Reserves are collected. The Manager reported that there is nearly \$375,000 in the Silvermont Fund. Of that, \$108,000 was set up by the Berg family. The County draws the interest from that fund for repairs. Otherwise, the County sets aside \$30,000 each year to help with maintenance costs, etc. There are also funds in the Silvermont Fund that came from donations.

Commissioner Hogsed moved to approve the recommendation. The motion was seconded by Commissioner Chapman. Commissioner Chapman asked if any of the labor (painting, etc.) can be performed through the use of volunteer labor. The Manager said the inmate work crew is used extensively. The County will use volunteer labor where possible. Because Silvermont is a historic building, the County must be careful in the work that is performed. Commissioner Chapman inquired about the timeline for completing this phase. The Manager said the porch will be the first part of the project to be completed. After that, staff will work on a schedule for completing the other items. Commissioner Chappell noted that this first phase deals with safety and structural issues that need to be

addressed. It is important to preserve this site for the citizens of this community. Chairman Hawkins said he understands why the focus is on the structural issues, but to him the grounds work is the part of the project that has the most potential to make Silvermont reach its full potential. He hopes this discussion will take place during the Commissioners' strategic planning workshop in September, in terms of the resources the County intends to commit to parks and recreation. **The motion was unanimously approved.**

NEW BUSINESS

USAGE POLICY FOR EMPLOYEE WELLNESS CLINIC

In March, the Board of Commissioners approved establishing an Employee Wellness Clinic and contracting with Blue Mountain Medicine as the Medical Provider for clinical services. There is a contract in place with the provider and the clinic will open on Wednesday, September 4th.

Human Resources Director Sheila Cozart reported that the new space for the clinic is great. There were no structural changes needed to the space. The inmate work crew helped with painting. Housekeeping staff did a tremendous job cleaning the facility. All of the furniture was donated.

Staff developed an Employee Usage Policy and Ms. Cozart presented it to Commissioners for their consideration. This policy will establish the guidelines for employee usage of the Wellness Clinic, such as:

- Hours of Operation: M, W, F - 8 a.m. to 12 noon & 1 p.m. to 4 p.m. and some holidays
- Examples of services available: routine care, routine physicals, diabetes monitoring, blood pressure monitoring, first aid, workers' compensation injuries, pre-employment screenings and preventative healthcare education. Services are free to employees; however, there may be some costs in the future for value added programs, such as a Weight Watchers program
- Use of sick leave: employees are not required to use sick leave when they visit the clinic, if they return back to work after visiting the clinic. Otherwise, if they are unable to return they would use appropriate leave

The clinic will be available to current employees and retirees on the health insurance plan. It may be open to dependents in the future. There is an open house scheduled for August 30.

For the benefit of the public, Commissioner Chapman noted that the goal of opening an Employee Wellness Clinic, in addition to helping employees stay healthy, is to help reduce and control health insurance costs.

Commissioner Hogsed moved to approve the Usage Policy for the Employee Wellness Clinic as presented. The motion was seconded by Commissioner Chappell and unanimously approved.

DONATION OF SURPLUS VEHICLE TO RESCUE SQUAD

The Transylvania County Rescue Squad requests that the Board of Commissioners donate a surplus patrol car to the squad. The vehicle has been declared surplus by the County Manager. At the previous meeting, Commissioners authorized staff to proceed with the public notice of the Board's intent to donate the vehicle to the Rescue Squad. The Clerk complied by posting proper notice. The Board must now pass a resolution approving the donation of the vehicle. The salvage value of the vehicle is \$2,512.00.

Commissioner Hogsed moved to approve Resolution 25-2013 Donating Surplus 2003 Ford Crown Victoria to Transylvania County Rescue Squad. The motion was seconded by Commissioner Chappell and unanimously approved.

(Resolution 25-2013 Donating Surplus 2003 Ford Crown Victoria to Transylvania County Rescue Squad is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION CONCERNING SMALL UNDERPAYMENTS AND OVERPAYMENTS OF TAXES

NC General Statute 105-357 (c) allows a governing body to pass a resolution allowing a Tax Collector to treat underpayments of less than \$1.00 as payment in full and refund overpayments of \$1.00 or more.

The Tax Administrator requests that the Board of Commissioners approve Resolution 24-2013 which will allow a small underpayment of no more than \$1.00 less than the taxes due to be treated as fully paid. In addition, a small overpayment, a payment that is no more than \$1.00 greater than the taxes due, would not be refunded unless the taxpayer requests a refund before the end of the fiscal year in which the small overpayment is made. It was noted that the Tax office has processed very few requests.

Commissioner Chapman moved to approve Resolution 24-2013 Concerning Small Underpayments and Overpayments of Taxes. The motion was seconded by Commissioner Hogsd and unanimously approved.

(Resolution 24-2013 Concerning Small Underpayments and Overpayments of Taxes is hereby incorporated by reference and made a part of these minutes.)

BUDGET AMENDMENTS

The Manager submitted the following budget amendments for Commissioners' consideration:

#6: To carry forward \$2,795 from a Co-Operative Extension Nourishing NC Grant received but not spent in FY 2013

#7: To carry forward \$6,704 in unused Health Department grants - \$2,500 from Mountain Valley Resources grant, \$315 from NCPH Quality Improvement Grants, and \$3,889 from GlaxoSmithKline

#8: To carry forward \$5,141 appropriated in FY 2013 for flooring at the New Adventure Center, a project which was delayed due to moisture issues

All of the budget items were approved in the previous fiscal year but not completed. They are all considered carry forwards. If approved, these budget amendments will increase the FY 2014 General Fund budget by \$14,640, bringing the total to \$44,593,375.

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

MANAGER'S REPORT

The Manager reported the following:

1. The ribbon cutting for the Animal Shelter was held on Saturday, August 3. Thanks to all who helped make the opening a success. Paul Vis has been hired as the Shelter Manager and he started today. He is the former Animal Services Manager at the Asheville/Buncombe County Animal Shelter.
2. Received 47 applications for the Parks and Recreation Director position. Staff intends to start reviewing resumes this week.
3. The Saturday transportation for the Brevard Music Center students was very successful. For the seven Saturdays transportation was available, there were 860 one-way trips, which is an average

of 123 trips per Saturday. This was a great collaborative effort between the City of Brevard, the Brevard Music Center and the County.

PUBLIC COMMENT

Jeannie Falknor: Ms. Falknor is the co-chair of the Silvermont Strategic Planning Team. She thanked Commissioners for their support of the Silvermont project. She explained that it is important to start with improvements to the house because there are safety issues; however, she appreciated Chairman Hawkins' comments about the grounds. The Planning Team intends to live up to its promise of being an active partner with the County on raising money. Ms. Falknor informed Commissioners that the Team has applied for a grant which would allow them to construct the new basketball court, which would free up the space in front of the house for the redesign for a new community gathering spot and plaza. The Friends of Silvermont has donated \$10,000 that is restricted for use on the house itself. They have already received a \$5,000 grant from the Silversteen Family Foundation. There is another \$1,000 in donations. The official kickoff of fundraising activities will occur in early 2014. Ms. Falknor said the Silvermont Strategic Planning Team looks forward to working with the County over the next four years to complete the entire project in time for the Mansion's Centennial.

Kevin Glenn: Mr. Glenn reported that last Thursday evening Dr. Neal Seldman from the Institute for Local Self Reliance gave an amazing presentation at Brevard College. He hopes Commissioners will take time to see a video of his presentation which is available on the website for People for Clean Mountains. Dr. Seldman supplied a plan to save the County significant money, to extend the life of the landfill and bring jobs to the County.

Mr. Glenn also stated that he has lived outside of City limits for over 10 years and he has not been able to open his windows at night due to barking dogs. He believes dogs can be trained.

COMMISSIONERS' COMMENTS

Commissioner Chapman asked Tax Administrator David Reid to provide an update on the status of the revaluation. Mr. Reid said his staff is working on the revaluation process now. They are gathering information in the field, studying sales data, and defining neighborhoods in an effort to understand how the revaluation will impact the tax base. Mr. Reid is currently seeking a qualified applicant for a reappraisal manager. Mr. Reid noted that the property values throughout the County have held well, despite what is going on in other counties. Commissioner Chapman asked for staff to provide an update on the revaluation process every six months because this will be a major impact on the citizens in the next couple of years.

Chairman Hawkins will be attending the NC Association of County Commissioners Annual Conference next week in Greensboro. Commissioners Chapman and Lemel will be attending as well. Chairman Hawkins said there are benefits to attending the conference. Some of the classes being provided pertain to mental health, Golden Leaf grants, using local natural resources as economic development tools, public school funding, the Affordable Care Act on the local level (counties will probably be the point of contact for citizens who have questions), local poverty, aligning workforce needs to education, and changes in the voting laws. Commissioners will have very useful information to share with staff and citizens when they return.

Chairman Hawkins shared that *Business North Carolina* included an insert listing the biotech companies in the State of North Carolina. There are 550 of them, 4 of which are in Transylvania County. No other county has more than one except Transylvania County. These types of industries have been identified as one of the sources of 21st Century jobs that Transylvania County should be recruiting. However, in this

area the County has a good starting base. Chairman Hawkins noted that the next meeting of the WNC Biotech Board will be in Brevard.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board