

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**August 26, 2013 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, August 26, 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 Tony Dalton, and Clerk to the Board Trisha Hogan.

Media: *The Daily Waterfall* – Kevin Smith  
*The Transylvania Times* – Eric Crews

There were approximately 50 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding called the meeting to order at 7:01 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**

Don Surette: Mr. Surette read an article to Commissioners to provide them with some perspective on economic development in Transylvania County. The article stated that a request for a comprehensive industrial survey had been made to the Brevard Chamber of Commerce, and the industrial committee had started work on checking possible sites for larger industries in the County. The results of the survey will be furnished to engineers, along with prices agreed upon by land owners in case such sites were selected by industries. While Mr. Surette thought this was a wonderful idea, he noted that the article was published in *The Transylvania Times* on Thursday, June 6, 1939.

Gerry Hunsicker: Mr. Hunsicker commented that many companies have not located here or relocated elsewhere due to the City's Unified Development Ordinance (UDO); yet the County continually has discussions about adding more regulations through County ordinances. He said more County ordinances will be more cumbersome upon business and will erode the rights and freedoms of citizens. He wondered why the County would try to impose additional regulations when County officials already know about the negative impacts of the UDO. Mr. Hunsicker asked Commissioners to work on trying to bring jobs here instead.

Allen Cison: Mr. Cison spoke in opposition to the barking dog section in the proposed Animal Control Ordinance from a hunter's perspective. He reported that each year the rights of hunters continue to be eroded. Hunters are not allowed to hunt freely on any land and they must have written permission to do so. He said hunters are respectful of private housing developments and do not trespass upon them unless they must retrieve their dogs. Sometimes, when retrieving dogs other dogs bark in response, including the hunting dogs themselves. He asked Commissioners to reconsider.

Randy Crane: Mr. Crane spoke against the proposed Animal Control Ordinance. He is concerned that the excessive fines imposed in the ordinance could cause many people to euthanize their dogs because they will not be able to afford the fines. Mr. Crane said it is impossible to control dogs 24 hours a day. Dogs bark at wild animals, people and other neighborhood goings on. He expressed opposition on behalf of several houndsman organizations. Mr. Crane is concerned that this ordinance opens the door to more animal regulations and he asked Commissioners to please reconsider.

Daniel Wilson: Mr. Wilson believes the passage of the proposed Animal Control Ordinance gives someone a weapon against their neighbor. He said local government cannot regulate neighborliness and that neighbors should work out their differences without wasting law enforcement's time or creating a burden of proof on someone that may or may not be guilty. Mr. Wilson is a dog owner and he has experienced his dogs barking at emergency management or law enforcement vehicles passing by. He said sometimes dogs bark for a reason. It is his hope that people will solve their own problems.

Dwayne Jones: Mr. Jones expressed concern that the proposed Animal Control Ordinance gives an Animal Control Officer the full extent of passing judgment on whether a dog is making excessive noise. While he does not agree with the ordinance, he also does not think it is fair to the Animal Control Officer to be faced with that task. He believes this should be left up to law enforcement because they are properly equipped to handle such complaints.

Gene Holden: Mr. Holden agreed with the previous comments made about the Animal Control Ordinance. Mr. Holden reported that he lives outside of City limits and near Brevard Music Center. He owns a few rescue dogs and when the Brevard Music Center is in season, his dogs bark at the noise emanating from there. The dogs also bark at sirens. Most importantly, with the crime rate as it is now, he said his dogs provide an extra level of security for his home that he feels should not be encroached upon.

Kevin Glenn: Mr. Glenn said he has a right to be here and enjoy his life just as everyone does. He has dogs and he controls them. He believes that people should not own dogs if they cannot control them.

Mr. Glenn also spoke about the draft High Impact Land Uses Ordinance. He attended the most recent Planning Board meeting and feels that the actions by the majority of the members deem them not qualified to make any decisions on anything as important as this ordinance.

Lori Swank: Ms. Swank spoke about the draft High Impact Land Uses Ordinance. She commended the Planning Board members on their recent actions. She asked Commissioners to remember their constituents who have traditionally been opposed to any type of regulation regarding the use of private property. Ms. Swank believes there is sufficient time to further research alternatives, impacts and consequences in order to enact the appropriate measures, if any, which will have an effect on every citizen in the County. She believes the draft ordinance is a form of zoning.

William McKelvey: Mr. McKelvey expressed opposition to the proposed Animal Control Ordinance. He said dogs are the last defense against home invasion and people should be able to understand and respect that.

## AGENDA MODIFICATIONS

The Manager requested to add Item VIII-C. Reclassification Request for Child Development Director under New Business and move the Manager's Report to Item VIII-D.

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

## CONSENT AGENDA

**Commissioner Lemel moved to approve the Consent Agenda as submitted. The motion was seconded by Commissioner Chappell.** For the benefit of the public, Commissioner Hogsd read aloud Resolution 29-2013 Declaring the Week of September 17-23, 2013 as Constitution Week. **The motion was unanimously approved.**

The following items were approved:

### MINUTES

The minutes of the July 22, 2013 and August 12, 2013 regular meetings were approved.

### DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for July 2013 was approved. Total tax dollars released was \$5,582.29. Refunds totaled \$2,826.79.

### RESOLUTION IN RECOGNITION OF KATHLEEN E. TENHAGEN

Kathleen Tenhagen will retire from Transylvania County effective September 1, 2013. She has worked in the Sheriff's Office since 1998. She was unable to attend the meeting this evening. Commissioners approved Resolution 27-2013 In Recognition of Kathleen E. Tenhagen.

(Resolution 27-2013 In Recognition of Kathleen E. Tenhagen is hereby incorporated by reference and made a part of these minutes.)

### RESOLUTION DECLARING THE WEEK OF SEPTEMBER 17-23, 2013 AS CONSTITUTION WEEK

September 17, 2013 begins the national celebration of Constitution Week and a weeklong commemoration of America's most important document. A resolution petitioning Congress to set aside September 17-23 annually to be dedicated to the observance of Constitution Week (submitted by the Daughters of the American Revolution) was signed into Public Law #915 on August 12, 1956 by President Dwight D. Eisenhower.

The aims of the celebration are to (1) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; (2) inform people that the Constitution is the basis for America's great heritage and the foundation for our ways of life; and (3) encourage the study of the historical events which led to the framing of the Constitution in September 1787. Commissioners approved Resolution 29-2013 Declaring the Week of September 17-23, 2013 as Constitution Week.

(Resolution 29-2013 Declaring the Week of September 17-23, 2013 as Constitution Week is hereby incorporated by reference and made a part of these minutes.)

### RESOLUTION PROCLAIMING SEPTEMBER 15-OCTOBER 15 AS HISPANIC HERITAGE MONTH

September 15-October 15 is National Hispanic Heritage Month. El Centro is holding a celebration on Saturday, September 14. Judy Nebrig contacted Chairman Hawkins about the Commissioners passing a resolution in recognition of this event. The City of Brevard intends to do the same. Commissioners approved Resolution 26-2013 Proclaiming September 15-October 15 as Hispanic Heritage Month.

(Resolution 26-2013 Proclaiming September 15-October 15 as Hispanic Heritage Month is hereby incorporated by reference and made a part of these minutes.)

CANCELLATION OF SEPTEMBER 9, 2013 BOARD OF COMMISSIONERS' MEETING

Commissioners have a retreat scheduled for all day Friday, September 13 and a half day on Saturday, September 14. The retreat will be facilitated by Lydian Altman with the School of Government. Since there is no other pressing business that staff is aware of at this time, and to give staff ample time to plan for the retreat, the Manager requested to cancel the September 9 Board of Commissioners' meeting. It happens to fall in the same week as the retreat. Commissioners approved cancelling the September 9, 2013 Board of Commissioners' meeting. The Clerk will post proper notice.

**PRESENTATIONS/RECOGNITIONS**

RESOLUTION IN RECOGNITION OF FURMAN R. NICHOLSON

Furman Nicholson will retire from Transylvania County effective September 1, 2013. He has worked as an Environmental Health Specialist in the Public Health Department since 1988. Commissioners presented him with a resolution and wished him the best in his retirement and future endeavors.

**Commissioner Lemel moved to approve Resolution 28-2013 In Recognition of Furman R. Nicholson, seconded by Commissioner Hogsed and unanimously approved.**

Mr. Nicholson thanked Commissioners for this recognition. He also thanked the County for the opportunity to work here and serve the citizens and to work with an exceptional group of people. Jim Boyer stated that he was led to a position in Environmental Health in Transylvania County because of Mr. Nicholson. Public Health Director Steve Smith also thanked Mr. Nicholson for his service.

(Resolution 28-2013 In Recognition of Furman R. Nicholson is hereby incorporated by reference and made a part of these minutes.)

TRANSYLVANIA NATURAL RESOURCES COUNCIL

Over the past eight months the Transylvania Natural Resources Council (TNRC) has met with representatives of a number of economic sectors of the local economy. The TNRC has compiled information from these meetings and shared its findings through a Power Point presentation entitled "Protecting Our Natural Heritage/Building Economic Opportunity". TNRC Chair Susan Brown gave the presentation.

The TNRC was formed by the Board of Commissioners to serve as an advisory group to study, review and inventory Transylvania County's natural resources. The TNRC was charged with making recommendations to the Board of Commissioners, through the County Manager or other appropriate officials, on policies, procedures, ordinances and/or changes to the NC General Statutes to responsibly manage Transylvania County's natural resources and promote the environment. The TNRC also seeks to promote education and understanding of the County's natural resources and related issues.

TNRC membership consists of members of the community and representation from Cooperative Extension, Brevard College, Pisgah National Forest, Soil and Water Conservation District, City of Brevard, Gorges State Park, and the USDA Natural Resources Conservation Service. The TNRC meets monthly.

There was much discussion throughout the County about economic development. The TNRC members discussed how to increase their knowledge and understanding of specific activities that exploit and benefit from the unique environment, problems and opportunities going forward, potential for integrated development and cross-marketing and bridging gaps and increasing cooperation.

The purpose of the presentations and discussion series was to better understand the actual and potential impact of the natural resources on economic activities, and vice versa, and to engage and inform the broader Transylvania County community.

The presentations were organized into topics. They were:

- Economic Value of Public Lands in Transylvania County - current use and future potential
- Natural Resources and Recreation Based Businesses
- Economic Contribution and Future of Camps
- Local Farm and Herb Production
- Timber and Forest Botanical Products
- Commercial Horticulture and the "Green Industry"
- "Lifestyle Entrepreneurs" – people who came here as entrepreneurs, but not necessarily with a natural resources-related business, rather because they were interested in living here because of the natural resources

All of the speakers were presented with the same set of questions:

- What natural resources are relevant to their business?
- What are the economic impacts of their business or activity?
- What else are they contributing to the community?
- What natural resource concerns affect the future of their business or activity?
- What level of education/training will be required for future employment in their business or activity?

One of the concerns and/or observations from the speakers was about the quality of land and water. These are the County's greatest economic assets and they are nationally competitive. Transylvania County has very unique assets, but they are at risk in various ways because of development. Future uses of the surface water are something that will impact the County going forward. The French Broad River, specifically, was mentioned by many speakers as an underused resource.

Another observation was about access to resources. River access is the most frequently cited need to increase French Broad economic potential. This is particular for camps, paddlers, fishers, and recreational issues of the river. Road and mountain biking is a huge economic opportunity as well. There are growing pains with this activity, however. TNRC members learned there are needs for trails and bike lanes, education for safe use of roads, and fees or voluntary contributions as a way to help pay for some of the changes or improvements that might be needed. Another issue was how to increase Transylvania County as a year-round destination.

Still, another outcome was related to information needs. Many talked about the lack of "big picture" information to help businesses integrate and support each others' activities. Discussion occurred about a community marketing strategy for natural resources including a vision and effort by citizens. There is also a need to fill in information gaps for visitors, to include campsites, trail maps, fulltime website management and the use of local products and services. The use of local products and services involves helping local contractors be competitive and ensure that local products are used to the maximum amount.

TNRC members also heard about challenges and opportunities, the primary concern being how to encourage and facilitate investors and entrepreneurs. The principle messages were to increase collaboration between the City and the County, clear signals from those who represent each jurisdiction, a "concierge approach" to help individuals and businesses be successful in the community, maintain excellence in public schools and training programs not only to prepare students for high quality jobs but

to attract people here, and support unique opportunities for educational programs related to natural resources.

Brevard College has agreed to host a conference on this topic on April 5, 2014. The purpose will be to further expand participation of all interested citizens and develop a future plan of action. The conference will be organized similar to the sessions TNRC members have been participating in. The TNRC will also continue the presentation/speaker series, but in other areas, beginning in October.

Ms. Brown gave a special thanks to Peter Chaveas who was the principle organizer of the speaker series, John Lanier of *The Transylvania Times* who provided excellent news coverage, President David Joyce of Brevard College, Chairman Hawkins, and the TNRC for sponsoring and organizing the conference and their facilitation and participation over the last year.

#### Discussion:

Commissioner Lemel commended the TNRC for their efforts over the course of the last year. She noted that in the summation of the report there was a reference to the accommodations providers creating their own association and she wondered if there were opportunities with the Tourism Development Authority or the Chamber of Commerce they could utilize instead of creating another entity.

Commissioner Lemel referred to the statement about the need to fully support the public school system. She asked if there was a perception that the County is not doing so. Ms. Brown said the message from some local businesses was that the school system is excellent and the level of excellence needs to be maintained and continued.

Commissioner Lemel asked for specifics on where the City and County are not sending clear signals and how to address those in a timely fashion. Ms. Brown said that is part of the recommendation about having a “concierge approach”, not because there was anything that needed to be changed necessarily, but because businesses thought there was difficulty in navigating through all the information.

Commissioner Lemel pointed out some interesting things in the report. One being about the number of trout farms around the County and how valuable they are to Transylvania County, yet there are no trout processors in the County. Additionally, the timber issue in terms of the stumpage versus delivered and how Transylvania County is 98<sup>th</sup> out of 100 counties in fees on stumpage. She also commented about the fact that there are businesses that located here because they were attracted by the natural resources, not because they intended to do business here. They came and fell in love with Transylvania County and then brought their business here.

Commissioner Chapman commented that he attended a meeting where four of the key manufacturing businesses in the community made presentations. He said they spoke about some very serious issues that need to be addressed. Many of them are under stress from regulations. Commissioner Chapman hopes those business owners will be included in future conversations. He thanked the TNRC for their work, but said there remain significant issues that need to be addressed to help existing businesses and recruit new businesses.

Chairman Hawkins noted that the TNRC is a volunteer citizen board and that there was an incredible amount of effort and energy put into this project. He understands there are challenges because as a community there is a need to speak with one voice. Chairman Hawkins said it is up to the leaders of this community to take this work and incorporate it into economic development efforts.

**Commissioner Lemel moved to receive the TNRC Report. The motion was seconded by Commissioner Chapman and unanimously approved.**

## APPOINTMENTS

### JUVENILE CRIME PREVENTION COUNCIL

The Brevard Police Chief or his designee position is vacant. The Clerk received an application from Detective Steve Woodson from the Brevard Police Department to serve as the Chief's designee.

**Commissioner Lemel moved to appoint Steve Woodson to serve as the Brevard Police Chief designee on the Juvenile Crime Prevention Council. The motion was seconded by Commissioner Chapman.** Commissioner Chapman commented that this is an outstanding committee made up of several sectors of the community. This specific program helps to identify at-risk kids in the public school system and work with them and their families to improve their lives. Commissioner Chapman serves as the County Commission representative. **The motion was unanimously approved.**

## OLD BUSINESS

### PROPOSED REVISIONS TO ANIMAL CONTROL ORDINANCE

With the opening of the new animal shelter, staff reviewed the current Animal Control Ordinance, as well as current policies and procedures. Staff proposed changes to the current ordinance which were presented on Monday, July 22. A public hearing was held on Monday, August 12 to receive public input. The objections to the Animal Control Ordinance pertained to *Section 3.6 Barking Dogs*. Since Commissioners reached no consensus on this section and because barking dogs are addressed in the Noise Ordinance, staff recommended omitting that section from the Animal Control Ordinance and then renumbering the other sections in order of succession. There are several other changes recommended that are necessary and were made specifically because the management of Animal Control was removed from the Health Department and placed under the County Manager.

**Commissioner Lemel moved to approve the proposed Animal Control Ordinance with the elimination of Section 3.6 Barking Dogs. The motion was seconded by Commissioner Chapman.** In response to Commissioner Chappell, the Manager said at this point staff will monitor the Noise Ordinance should barking dog violations occur. Staff understands that this is a sensitive issue on both sides of the argument. Commissioner Chapman pointed out for the benefit of the public that the Noise Ordinance addresses barking dogs and can warrant a visit and possible citation by the Sheriff's Office. He encouraged citizens to contact the Sheriff's Office if there is a serious issue going on in their community; however, he hopes neighbors will be able to work out their differences. Therefore, he supported removing the section on barking dogs from the proposal. Chairman Hawkins believes there should be some reasonableness but if a dog is continuously barking, there should be some last resort for relief. He also understands that dogs bark, so neighbors have a responsibility to be reasonable as well. Any type of ordinance should have protection on both sides so Chairman Hawkins asked staff to continue studying the issue. **The motion was approved unanimously.**

### RESPONSE FROM PLANNING BOARD REFERENCE HIGH IMPACT LAND USES ORDINANCE

On June 18, the Board of Commissioners received a draft High Impact Land Uses Ordinance for review. The draft ordinance resulted from concerns expressed by citizens over the past few years regarding high impact land uses which have interfered with the quiet enjoyment of their property. Citizens have recently expressed concerns about the public health, safety and general welfare of a proposed electricity generating facility in the Penrose community which intended to use municipal solid waste as its feedstock. The proposed ordinance addresses a number of high impact land uses that the County has had issues with or could potentially be faced with in the future.

The Board of Commissioners referred the proposed ordinance to the Planning Board for further review and recommendation. The Planning Board was directed to bring back a recommendation to Commissioners by the end of July with the understanding that Commissioners could allow more time if needed. Over the course of a few meetings the Planning Board reviewed the draft ordinance. Their recommendation to Commissioners was to not adopt such an ordinance and to drop the subject from further consideration. Staff asked Planning Board members if they had any different suggestions or thoughts about how to proceed and the Planning Board thought it would be best to receive further direction from Commissioners.

The Manager offered four options for the Board's consideration:

1. Do not consider the draft ordinance as recommended by the Planning Board, and do not proceed further.
2. Send a letter to the Planning Board explaining that they are tasked with reviewing the draft ordinance and that they are to recommend ways to improve the ordinance or propose alternatives for consideration by the Board of Commissioners.
3. Direct staff to review the draft ordinance and recommend ways to improve the ordinance or propose alternatives for consideration by the Board of Commissioners.
4. Direct the Planning Board to focus its attention on the review and update of the Transylvania County Comprehensive Plan. Direct staff to review the draft ordinance and recommend ways to improve the ordinance or propose alternatives for consideration by the Board of Commissioners.

The Manager recommended option 4.

**Commissioner Lemel moved that Commissioners provide written instruction to the Planning Board directing them to focus its attention on the review and update of the Transylvania County Comprehensive Plan. She further moved to task staff to review the proposed High Impact Land Uses Ordinance and recommend ways to improve the ordinance, if necessary, or propose alternatives. The motion was seconded by Chairman Hawkins.** A lengthy discussion ensued.

Commissioner Chapman believes this ordinance will have an impact on economic development. He preferred to table the decision, have further conversation with the Planning Board, and possibly turn over this work to the Independent Economic Development Task Force to determine if such an ordinance is needed and, if so, how to incorporate it into an overall economic development structure for Transylvania County. Chairman Hawkins reminded Commissioners that the moratorium on the biomass facility, which will be in place for another 11 months, states that Commissioners will explore such an ordinance. He supported the recommendation of the Manager. The Manager asked Commissioners to give direction to the Planning Board which he recommended to be updating the Comprehensive Plan. He also recommended staff begin work on reviewing the draft ordinance, gathering input from the Economic Development Advisory Board and Independent Economic Development Task Force to determine how the ordinance may impact economic development. Commissioner Chappell agreed that this ordinance will impact economic development and that it should be integrated into the work of the Independent Economic Development Task Force. However, he believes the Planning Board accomplished what it was tasked to do. They reviewed the draft ordinance and recommended Commissioners do nothing further with it. Commissioner Hogsed agreed that the Planning Board complied with the Board's direction; however, he understands the Board's obligation to review the ordinance in accordance with the biomass moratorium. He preferred the recommendation to table the decision to move forward at this time until the impact on economic development can be determined. He said any such ordinance should be thoroughly vetted and tailored to fit the needs of Transylvania County. In addition, he said any further review of this ordinance should be done by the citizen boards, not by staff. Commissioner Lemel believes a thorough vetting process can occur by continuing to receive input on the ordinance itself, not by tabling it. She explained



that the ordinance would not prevent high impact industries from coming to Transylvania County; instead, the ordinance gives the County an opportunity to determine how those high impact businesses will affect the County as a whole and how to protect citizens from industries that are unwanted. She did not have a preference of which group reviewed the ordinance as long as it is reviewed and as many people as possible have input in the process and on how to move forward. Chairman Hawkins clarified statements made by Commissioners Chapman and Hogsed and said he believes this motion addresses their concerns. Commissioner Chapman emphasized that he is not ready to pass an ordinance of this nature. He is supportive of moving forward as long as the option of not adopting the ordinance remains on the table. The Manager assured Commissioners that the option of not enacting an ordinance would remain an option. Also staff would coordinate their efforts with the Economic Development Advisory Board, the Independent Economic Development Task Force and others to properly vet an ordinance before making a recommendation to Commissioners. **Commissioner Chapman moved to amend the motion so that option 4 includes as an option not to implement a high impact land uses ordinance. There was no second to the amended motion.** Planning and Economic Development Director Mark Burrows informed Commissioners of the process to enact an ordinance. He noted that if Commissioners do not enact an ordinance to address high impact land uses, at the end of the 12-month moratorium, the biomass developer may or not may decide to move forward with construction. He suggested Commissioners ask staff over the next two months to work on a draft ordinance that will then be brought back to the Planning Board, Economic Development Advisory Board, Transylvania Natural Resources Council, and other boards for input. This process can be initiated by staff based on the input they have received and then brought before these boards for input and crafting to tailor-fit Transylvania County. Commissioner Chapman preferred staff bring back a draft to Commissioners before gathering input from the citizen boards and at that time Commissioners can determine if it is worth pursuing. Mr. Burrows agreed. He will also work with individual Planning Board members to help create a draft ordinance. He intends to bring back a draft within two months (late November). After further comments, **the motion failed by a vote of 1 to 4. Commissioner Lemel cast the only aye vote.**

**Commissioner Chappell moved to approve option 1 and not consider the proposed ordinance as recommended by the Planning Board and drop the subject. The motion was seconded by Commissioner Hogsed. The motion failed by a vote of 2 to 3. Chairman Hawkins and Commissioners Chapman and Lemel voted against.**

**Commissioner Chapman moved to direct staff, over a period of two months, to develop a proposed revised high impact land uses ordinance or alternative ordinance and bring back to the Board of Commissioners for review and a decision on how to move forward. The draft should be presented at a meeting in November. Over the two-month period, staff will work with members of the citizen boards (Planning, Economic Development, etc.) to draft an ordinance that works for Transylvania County. The motion was seconded by Commissioner Lemel.** Commissioner Chapman is concerned that if Commissioners cease discussions on the ordinance that time was wasted enacting a moratorium on the biomass facility. He does not support strict land use or zoning policies; however, he believes there is something the County can do to help the citizens of this community when high impact businesses want to locate in their communities. Commissioner Hogsed preferred that it be the job of the citizens of the County to create an ordinance of this nature. **The motion passed by a vote of 3 to 2, with Commissioners Chappell and Hogsed voting against.**

## NEW BUSINESS

### AUTHORIZATION OF DEPUTY SHELLEY STROUP AS DEPUTY FINANCE OFFICER

In February 2012, upon the recommendation of the auditors, the Board of Commissioners authorized Captain Eddie Lance and Lieutenant Mike Carpenter as Deputy Finance Officers to handle the financial transactions for the Inmate Trust, SHIELD, DARE, and Cops for Kids accounts. With the resignation of

Lieutenant Mike Carpenter, there is a need to have another officer authorized as a Deputy Finance Officer for this purpose. Sheriff David Mahoney recommended Shelley Stroup serve in this capacity.

**Commissioner Lemel moved to authorize Deputy Shelley Stroup as a Deputy Finance Officer with the same limited responsibilities previously approved for this position on February 27, 2012. The motion was seconded by Commissioner Chappell and unanimously approved.**

#### EMERGENCY MANAGEMENT FUNDS FOR ALL-TERRAIN VEHICLE

The County has \$19,056 in funds received from the State of North Carolina to use for emergency management purposes. Operations Manager David McNeill proposed to use these funds to purchase an all-terrain vehicle for use by Emergency Management personnel during remote search and rescue incidents. Approval would increase the FY 2014 Budget by \$19,056. The actual cost of the all-terrain vehicle is \$13,600. The County will be reimbursed the sales tax.

**Commissioner Lemel moved to approve the purchase of an all-terrain vehicle and to approve a budget amendment for Emergency Management with funds to come from the Emergency Management funds set aside for this purpose. The motion was seconded by Commissioner Chapman.** Mr. McNeill informed Commissioners that the County does not currently own an all-terrain vehicle. The County depends on some of the local volunteer fire departments that have all-terrain vehicles. The purchase of an all-terrain vehicle will certainly enhance emergency management operations and assist those departments that do not have an all-terrain vehicle. It will also be used to assist other County departments where needed. Mr. McNeill feels this is an essential piece of equipment and it will allow the County to be more self-reliant. For these particular funds, Mr. McNeill stated that the purchase of an all-terrain vehicle would be his number one priority. **The motion was unanimously approved.**

#### RECLASSIFICATION REQUEST FOR CHILD DEVELOPMENT DIRECTOR

In December, 2010 the State of North Carolina changed the requirements necessary to operate a developmental daycare center. According to the new rules, center administrators shall have level III North Carolina Childhood Administration Credentials and two years of verifiable work experience with children with developmental delays or disabilities. Upon review of the job description staff discovered that the position should be reclassified as a Developmental Day Care Director II position. This is supported by Human Resources Director Sheila Cozart. This reclassification would move the classification from a grade 16 to a grade 18. The request came about because the current center administrator is leaving. The discrepancy was discovered during the recruitment process.

**Commissioner Lemel moved to approve the reclassification from a Day Care II position (grade 16) to a Developmental Day Director II position (grade 18). The motion was seconded by Commissioner Chappell.** The financial impact could add another \$7,400 to the County budget, depending on which applicant is selected. There is the possibility of no financial impact. **The motion was unanimously approved.**

#### MANAGER'S REPORT

The Manager informed Commissioners of the following:

1. Met with Mike Owen (Building Permitting), Larry Nelson (Planning Board) and Joe Wilbanks (Economic Opportunity Network) to discuss how to make the County "more business friendly". As a result of that meeting the Senior Resource Network and the Economic Development Advisory Board are going to flow chart the current County building permitting process and make recommendations for improvement. In addition they are going to review County ordinances, such as the Subdivision Ordinance, and make recommendations as to any changes needed. Staff

will communicate with the City of Brevard to see if they want to join the process. This was a recommendation of the Goldsmith Report on Economic Development.

2. The process of selecting a replacement for Parks and Recreation Director Rick Pangle, who is retiring at the end of September, continues. The selection committee has met three times and hopes to start the interview process soon.
3. The Independent Economic Development and Product Development Task Forces have begun their work. Minutes of the Independent Economic Development Task Force can be found on the Transylvania County website under the section Business Information. The minutes from the Product Development Task Force will be posted soon.
4. Discussed final arrangements with School of Government for the Commissioners' retreat on September 13 and 14.
5. As a result of the comments made by Rosman Alderman Roger Petit at the last Commissioners' meeting, the Manager sent letters to the local wrecker services to see if they were experiencing problems and if they had any suggestions on improving the system. The Manager has already received feedback from one wrecker service. The feedback was positive.
6. Began preliminary discussions with City of Brevard about the possibility of the County managing the City's Recreation Facility in Pisgah Forest. Staff is working on estimated costs of managing the facilities and what would be included in a management agreement.
7. Met with Rich Worley to look at revisions to the renovation drawings for the old Library. The Manager hopes to receive preliminary drawings this week. If the Board wants to move forward on the renovations, he estimates staff could go out to bid in November, which would be great timing for contractors for work over the winter months.
8. Met and discussed paperless agenda system and hopes to have a demonstration soon.

#### **PUBLIC COMMENT**

Edwin Jones: Mr. Jones addressed three areas of concern with Commissioners. First, he assumed that the Planning Board will not be working on the Comprehensive Plan. It was part of the first motion that failed and was not included in the motion that passed. Secondly, Mr. Jones reported that a local Eagle Scout was barely able to obtain the necessary permits to finish his project to receive his Eagle Scout Award. His project consisted of constructing a rest stop with a roof at the top of the Bracken Mountain Trail. The City required him to produce engineering drawings which delayed his project for two months. Thirdly, he asked Commissioners to imagine a corporate site planning scout's response to high impact land uses ordinance. The scout will more than likely relocate to a county that does not have such an ordinance.

Gerry Hunsicker: Mr. Hunsicker commented that Transylvania County is a unique and beautiful county, but it is handicapped because over 50% is made up of State and federal lands. Transylvania County is still in need of decent paying jobs. Mr. Hunsicker hopes citizens will be involved in the review of the high impact land uses ordinance because sometimes government employees have too narrow a vision.

Unidentified gentleman: The gentleman is an Iraq War Veteran. He commented on the biomass facility and said that burning trash creates toxins in the air. However, he believes it is archaic to bury trash underground. He believes the biomass facility is a good concept, but there does not seem to be a very good business plan in place. He hopes the decision on the biomass facility is based on reason, not emotion. He closed by saying that governments cannot bury trash underground forever and must look at other alternatives.

#### **COMMISSIONERS' COMMENTS**

Commissioner Chappell informed everyone of an open house at the Blue Ridge Innovation Center on Wednesday from 4:00 p.m. to 6:00 p.m. It is open to the public.

Commissioner Chapman announced that he recently attended the NC Association of County Commissioners (NCACC) Annual Conference, along with Chairman Hawkins and Commissioner Lemel. During the conference there was a presentation on the status of manufacturing in the US and the report was dismal. Transylvania County is not unique to the country in terms of needing well paying jobs. He hopes this Board will be cautious as to not enact measures to drive away people and business, while protecting the reasons why people chose to live--because it is such a beautiful place. Commissioner Chapman stated that Transylvania County is in better shape than many other counties. There was also a presentation on green energy which reported no viable cost effective green energy in the country. A thorough study of that industry should be had before counties make investments in this area. He commended the County for acting in survival mode for the last few years to get through such touch economic times.

Commissioner Chapman congratulated Chairman Hawkins for receiving a Master Level designation at the NCACC Conference.

Commissioner Chapman encouraged more citizen participation in County government.

Commissioner Lemel thanked the public for allowing her the opportunity to attend the NCACC Conference. She attended a preconference seminar on self governance. Over the next couple of days, Commissioners attended different sessions. She attended workshops on the Golden Leaf Foundation, the economic history of North Carolina, changes to the voting legislation, and changing the tide on poverty. She agreed with Commissioner Chapman that Transylvania County is in much better shape than many other counties in the State. Overall the NCACC Conference was a tremendous opportunity.

Chairman Hawkins asked the Manager to investigate some complaints he received from the public about the Driver's License office. Apparently their staffing levels have been reduced and therefore the wait can be up to three or four hours.

Chairman Hawkins believes attending the NCACC Conference was very useful to him. He learned that NC State has an industrial extension service. This year they are going to choose four communities and work with the manufacturers and industries in those communities to help them grow and expand their business. Chairman Hawkins asked staff to follow up on this area. He attended a workshop on the Affordable Care Act and the impact on counties. Chairman Hawkins also attended a workshop on regionalism and economic growth. He intends to share some ideas with Commissioners.

### ADJOURNMENT

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

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board