

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 17, 2014 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, February 17, 2014 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse. The original meeting date of February 10 was cancelled and rescheduled to this date due to inclement weather.

Commissioners present were Vice-Chairman Larry Chapman, Jason Chappell, Chairman Mike Hawkins, Daryle Hogsed and Page Lemel. Also present were County Manager Artie Wilson and County Attorney Tony Dalton. Clerk to the Board Trisha Hogan was absent due to illness. The Manager took minutes in her absence.

Media: *The Transylvania Times* – Jeremiah Reed

There were approximately 25 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:02 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

Bryan Grosvenor: Mr. Grosvenor reported that he recently submitted a letter to *The Transylvania Times* requesting that a referendum be allowed for the upcoming primary election ballot on alcohol sales in Transylvania County (outside the city limits of Brevard and Rosman). The deadline for this item to be put on the ballot is February 28.

Karen Wolf: Ms. Wolf added to Mr. Grosvenor's comments. She stated that the letter submitted to *The Transylvania Times* included comments and concerns from several businesses in the County's jurisdiction and they wish to have the voters decide on whether or not to allow alcohol sales in Transylvania County. She reported that the public response has been positive.

Chairman Hawkins stated that Commissioners may address this topic under Commissioners' comments at the end of the meeting.

AGENDA MODIFICATIONS

There were no agenda modifications.

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

CONSENT AGENDA

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

The following items were approved:

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for December 2013 was approved. Total tax dollars released was \$3,084.89. Refunds totaled \$2,539.11.

NEW BUSINESS

PLANNING BOARD-CHAIR

Commissioners made appointments to the Planning Board at their previous meeting but delayed the appointment of the chair. Commissioner Chapman requested that the appointment of the Planning Board chair be put on this agenda due to the possibility that more work may be required from the Planning Board on the Telecommunications Tower Ordinance and other items.

Commissioner Chapman nominated and moved to appoint Wayne Hennie as Chair. The motion was seconded by Commissioner Lemel. There were no other nominations. Commissioner Chapman reported that Mr. Hennie has an excellent background in business and is heavily involved in the community and will serve well as chair. **The motion was unanimously approved.**

BREVARD PLANNING & ZONING

Rick Lasater resigned from the Brevard Planning & Zoning Board last August because he moved to Buncombe County. Since that time the Clerk has advertised for the vacancy on several occasions and recently received an application. The Clerk forwarded the application to the City Planning Director for his information and there were no objections to this appointment.

Commissioner Lemel nominated and moved to appoint Coty Ferguson to fill the vacancy on the Brevard Planning & Zoning Board. The motion was seconded by Commissioner Hogsed. There were no other nominations. Commissioner Lemel interviewed Mr. Ferguson for this position. She commented that he will bring youth to this board and he has extensive military experience in civilian affairs and solving problems without the use of government funding. **The motion was unanimously approved.**

NEW BUSINESS

MEMORANDUM OF UNDERSTANDING-PUBLIC SCHOOL BUILDING CAPITAL FUND

All capital projects funded with Public School Building Capital Funds have specific reporting requirements. Since it is the responsibility of the School System to oversee their school capital projects, it makes better sense for them to complete the performance requirements. A Memorandum of Understanding was drafted indicating that the School System would be responsible for the reporting. The Manager noted that the Superintendent was in agreement. He read aloud the Memorandum of Understanding for the benefit of the public.

Commissioner Hogsed moved to approve the Memorandum of Understanding-Public School Building Capital Fund. The motion was seconded by Commissioner Lemel. It was noted that if approved, this item would then go to the Board of Education for formal approval. It was also noted that this item was recommended by the auditors. **The motion was approved unanimously.**

APPLICATION FOR LOTTERY FUNDS

In order to draw down lottery funds allotted for Transylvania County, the Board of Commissioners and the Board of Education must make the request jointly via application. The Board of Education is requesting to draw down \$249,790.23 in lottery funds to renovate an office and music classroom at Brevard Elementary and \$94,193 in lottery funds to go towards a roof replacement at Brevard High, for a total drawdown of \$343,983.23. A drawdown of \$343,983.23 leaves a balance in lottery funds of \$271,512.57 for Transylvania County.

Commissioner Lemel moved to approve the request by the Board of Education to draw down a total of \$343,983.23 in lottery funds, leaving a balance of \$271,512.57. The motion was seconded by Commissioner Chappell. Both of these projects are listed on the FY 2014 capital budget for the School System. **The motion was unanimously approved.**

EXAMINING USES FOR OLD DETENTION CENTER

For several years the Board of Commissioners has been executing a space needs plan for making use of existing County buildings. Renovation of the old Library will begin soon and a study is underway about the expansion of the Courthouse and potential use of the current Administration Building. The original space needs plan included use of the old Detention Facility but no specific drawings or details were made. Staff is requesting permission to work with Architect Rich Worley to develop alternative uses for the old Detention Facility. The Manager anticipates it will take approximately three months to develop schematic layouts and alternative uses. When the Board approves the plans, Mr. Worley will develop the final drawings. The initial phase is expected to cost approximately \$10,000.

The Manager asked Commissioners to give staff permission to examine the alternative uses of the old Detention Facility and also to approve a budget amendment allocating \$10,000 from the General Fund Balance to be used for developing alternative uses for the old Detention Facility.

Commissioner Lemel moved to give staff permission to examine the alternative uses of the old Detention Facility and also to approve a budget amendment allocating \$10,000 from the General Fund Balance to be used for this purpose. The motion was seconded by Commissioner Chappell. After some clarification, **the motion was unanimously approved.**

REQUEST TO REALLOCATE POSITION

The Department of Social Services currently has a vacant Community Social Services Assistant I position, which provides assistance to social workers, foster children and their parents in the area of child transportation and supervision of parent/child visits as mandated by the court. During the evaluation of this position it was determined that if the position could be reallocated to a Social Worker I position it could continue to do the aforementioned duties, but could also sign necessary medical paperwork and their visits could count toward federal contact requirements, which would free up Social Worker III staff to perform the higher level functions for the children and parents in their caseload. The Social Worker I could also perform sporadic functions such as court ordered home studies and could assist other counties or states as needed instead of using a Social Worker III for these activities. In the current fiscal year there would be no additional financial impact due to lapse salary. In FY 2015, there would be an increase of \$4,564 to the budget.

As position vacancies occur, it is the practice of all departments to look at the position to determine if the position is necessary to the operation of the department. This must be done prior to requesting approval from the County Manager to post the position. Often as departments are doing their review they determine that the position could be utilized in a better or more efficient manner within the organization.

Commissioner Lemel moved to approve reallocating a Community Social Services Assistant I to a Social Worker I at a salary grade 12. The motion was seconded by Commissioner Hogsed. This position will work at ¾ time. Staffing levels seem to be adequate at this point, but with the way jobs are changing, there may be a need to reclassify additional positions in the future. The caseloads have stabilized as well. Commissioners thanked Social Services Director Stoney Blevins and his staff for the work they do to provide services to citizens in the community and also for advocating for them at the State level to ensure programs are funded. **The motion was unanimously approved.**

TERM DATES FOR TOURISM DEVELOPMENT AUTHORITY MEMBERS

The term date for members of the Tourism Development Authority (TDA) is currently the month of October. However, the Chamber prefers to make its appointment to the TDA at the end of December or the first of January and the TDA has requested the same for the County and City appointments in previous years. Therefore, the TDA is requesting that the terms for all members/positions coincide with the calendar year and expire on December 31 of each year.

Commissioner Lemel moved to change the term date for the Tourism Development Authority to December. The motion was seconded by Commissioner Chappell and unanimously approved.

DONATION OF UNSOLD SURPLUS ITEMS

The Fall 2013 surplus auction was very successful with the exception of unsold office furniture. The pieces consist of desks made of particle board or metal, conference tables, media carts, and fabric upholstered conference style chairs. These items were initially deemed surplus by the County Manager because of their inability to be used any longer due to condition, age, or need. It is unlikely that the items will be sold during future surplus auctions. Donation of these items is more desirable than disposal. North Carolina General Statute 160A-280 allows the County to donate any surplus personal property to a nonprofit organization incorporated in the United States. Prior to the donation, the County must post a public notice of its intent to donate the property and then adopt a resolution donating the property at another meeting. The County has met the advertising requirements. If approved, the items will be donated to Western Carolina Community Action. The Manager thanked Purchasing Agent Ashley Hawes for taking the lead on this project and getting the surplus items moved out of County facilities.

Commissioner Lemel moved to approve the donation of the unsold surplus items at no cost to Western Carolina Community Action. The motion was seconded by Commissioner Hogsed and unanimously approved.

(Resolution 05-2014 Donation of Unsold Items to Western Carolina Community Action is hereby incorporated by reference and made a part of these minutes.)

BUDGET AMENDMENTS

Finance Director Gay Poor presented budget amendments for the Board's approval. Based on Section 34 of the FY 2014 Budget Ordinance, certain budget amendments must be submitted to the Board of Commissioners for approval. Below is a summary of amendments that have been requested that require Board approval because they increase the total General Fund budget and are derived from funding sources not previously approved by the Board.

#56. To appropriate \$951 from General Fund Balance restricted for Court Facilities to purchase two chairs and a shredder

#57. To appropriate \$133,477 from General Fund Balance assigned for Accrued Vacation for vacation paid out in lieu of time taken (\$68,308) and vacation paid out upon resignation and retirement (\$65,169)

#64. To record receipt and appropriation of \$2,000 from St. Philips for TRAIN Grant administered by the Health Department

#65. To record receipt and appropriation of \$2,000 by Health Department from Delta Dental Foundation

#66. To record receipt of \$4,190 in insurance proceeds and appropriate \$4,115 to Maintenance to cover repairs for water damage at the new Animal Shelter and \$75 to reimburse the Sheriff's Office for towing charges

#67. To record receipt of additional \$1,600 in matching funds for Soil and Water to use for educational programs

#68. To appropriate \$570 from unassigned fund balance in the General Fund for an updated jury computer, as required by the Administrative Office of the Courts

If approved, these amendments will increase the General Fund budget by \$144,788, bringing it to a total of \$45,743,658.

Commissioner Hogsed moved to approve the requested budget amendments, seconded by Commissioner Lemel and unanimously approved.

ACTUAL FINANCIAL INFORMATION THROUGH SECOND QUARTER OF FY 14

At the end of the second quarter, the Finance Director gives an overview of financial activity for the first six months of the fiscal year. Finance Director Gay Poor reported the following:

Half way through the year, actual General Fund revenues have reached 59.1% of the amount budgeted. Current year ad valorem taxes, which provide 59% of total budgeted revenues, are at 77.6% of budget and ahead of last year's 73.4% of budget through December. Several factors contribute to this higher percentage, most significantly the fact that bills were mailed out earlier than in FY 2013. Sales tax revenues continue to improve, exceeding FY 2014 projections by 10% and FY 2013 actuals by nearly 7% for the three months of sales taxes distributed to date. While only 34.3% of other revenues have been received, this is comparable to last year's figures at this time and is due largely to the lag in State and federal reimbursement funds and grants that have not been used yet. FY 2014's revenues through the second quarter exceed FY 2013's for the same period by \$3,151,892, with just under \$2 million attributable to the increase in the property tax rate.

General Fund expenditures are just 43.2% of budget, as less than half of some of the major expenditures have been incurred. Because the first payroll in July was accrued back to the prior year (in both FY 2014 and FY 2013), only 12 of the 26 pay periods are reflected in the December year-to-date totals. Capital outlay and debt service, which are not spread evenly throughout the year, are also well below 50% of their annual appropriation. FY 2014's expenditures to date are, however, more than FY 2013's at this point, by \$616,805, mainly because of the increase in compensation costs and the appropriations for the school system's current spending and capital needs.

At only 29.5% of budget, health insurance claims have so far been well below both last year's experience and FY 2014's projections. There is generally a four to six week lag between the time claims are incurred and the time they are processed. The weekly claims have, however, been averaging less than they did in FY 2013. If this trend continues, there will be a significant favorable variance in health insurance costs this fiscal year.

Solid Waste operating revenues are 47.2% of budget; while operating expenses are 36.7%. Compared to FY 2013, FY 2014's operating revenues are down \$14,773, while expenditures are up by \$127,055 due mainly to the purchase of a replacement roll-off truck during this fiscal year. There are no major concerns at this time about revenue shortfalls or unanticipated expenditures.

Overall, there are no major concerns at this time about revenue shortfalls or unanticipated expenditures.

Commissioner Hogsed moved to accept the report, seconded by Commissioner Lemel and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

1. The contracts have been signed to begin the old Library renovation project. The estimated completion date is mid-August.
2. Work continues on NC 215. Met with representatives from the US Forest Service and it appears that renovation of the existing route has a lot of support at this level. A meeting with NC Department of Transportation officials regarding NC 215 is scheduled for Tuesday, February 25, 2014.
3. This past Friday staff received the final plans for the Community Park near Rosman. Staff hopes to go out to bid for the project soon.
4. Met with Superintendent Jeff McDaris regarding installation of artificial turf on the Brevard High School football field. Discussions are ongoing about funding alternatives.
5. Work continues on space needs. Met with staff to discuss future One Stop Voting options and potential renovation of the old Detention Facility for that purpose.
6. Met with County Transportation Director Keith McCoy on evaluating the possibility of connectivity between local transit services with Henderson and Buncombe Counties. Mr. McCoy is working with Josh King of Land-of-Sky Regional Council on this project.
7. Attended the Independent Economic Development Task Force's presentation on their initial report regarding an economic development organizational structure and met with Chair Karen Gleasman to further understand the funding recommendations.
8. Reminded Commissioners there are two public hearings scheduled for the next meeting on changes to the Telecommunications Tower Ordinance and a potential moratorium on the Ordinance. There is also a joint meeting with the Board of Education on February 25. There will be a formal agenda for the joint meeting that the Manager will send out prior to the meeting.

Commissioner Chapman asked for an update on the status of the Silvermont project. The Manager reported that the project is progressing and is on budget. The weather has delayed the project somewhat but it is moving forward nicely.

Commissioner Lemel inquired about the plans for the Community Park. The Manager said the drawings include the original plans. Staff intends to go out for bids as the drawings are now. After bids are received, there may be some further prioritizing depending on the bid amount and the monies available for the project.

Chairman Hawkins asked if Commissioner Hogsed should be involved with the conversations about the potential connectivity of the transit systems being he is the Commissioner representative to the Rural Planning Organization. The Manager said the initial discussions are centered on how to make the connectivity work and what alternatives might be feasible. Commissioner Hogsed noted that he has had conversations already with Mr. King at the Land-of-Sky Regional Council.

PUBLIC COMMENT

Jackie Hovey: Ms. Hovey is interested in making sure the old Detention Facility is repurposed. She said the public is impressed with the County starting the process by looking at all alternatives instead of placing something in the old facility in a hasty manner. She attends the Board of Elections meetings which has helped her learn a lot about their operations. Mr. Hovey hopes the old facility will be considered for use by the Elections Office.

COMMISSIONERS' COMMENTS

Chairman Hawkins referred back to the request made during the first public comment period to allow a referendum for alcohol sales on the May primary ballot. He felt that referendums should occur during the general election to ensure a broader base of voters which makes for a more true result.

Commissioner Chapman agreed that the primary is not the best time to place this item on the ballot for a referendum. He said he views this issue as one of fairness. He wondered why businesses within city limits should be able to sell a product that nearby businesses outside city limits cannot. Commissioner Chapman noted that 17 year-olds are able to vote in the primary as long as they turn 18 prior to the general election. Putting this item on the ballot for the primary would cause there to have to be separate ballots for the 17 year-olds to complete which ultimately costs the County more money. He believes the majority of the voices in the County should be heard which is why he prefers the referendum be placed on the ballot during the general election in November.

Commissioner Lemel reported that she attended a portion of the City of Brevard's planning retreat. She said it was insightful and enjoyable to watch them through their decision making and also to realize opportunities for the County to be a better partner with the City. She also believes the issue of alcohol sales is a fairness issue. She said businesses in the County should have the opportunity be successful. Commissioner Lemel said she has been enjoying the process of being able to interview citizens to serve on County boards and committees.

Commissioner Chappell thanked Maintenance and Public Safety staff for their hard work over the past few weeks during the bad weather/snow. It is during these times that they are working the hardest and they do not get enough credit for working in hazardous conditions to keep everyone else safe. Commissioner Chappell also commented on the alcohol referendum. While he is against alcohol sales, he said there are other ways to address the fairness issue and there are other processes in place to get this item on the ballot as well.

Commissioner Chapman reminded everyone of the public hearings next week on the Telecommunications Tower Ordinance. He reported that he and Commissioner Lemel made a site visit to a potential location of a new tower. He encouraged the other Commissioners to make a site visit as well.

Chairman Hawkins wondered why it is up to Commissioners to appoint chairs to boards and committees and said it might be more appropriate for the boards and committees to appoint their own chairs. He intends to point this issue out to the Vision group to consider during their study of the board and committee process.

Chairman Hawkins made a motion to enter into closed session per NCGS 143-318.11 (a) (3) concerning the potential acquisition of property, after a 5 minute recess. The motion was seconded by Commissioner Chappell and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (5) concerning the potential acquisition of real property closed session was entered into at 8:00 p.m. Present were Chairman Hawkins and Commissioners Chapman, Chappell, Hogsed and Lemel, County Manager Artie Wilson and County Attorney Tony Dalton.

Commissioners discussed the potential acquisition of real property and instructed the Manager on how to proceed.

Commissioner Lemel moved to leave closed session, seconded by Commissioner Hogsed and unanimously carried.

OPEN SESSION

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

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board