

**MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
January 12, 2015 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, January 12, 2015 at 7:00 p.m. in the Commissioners Chambers at the County Administration Building.

Commissioners present were Vice-Chairman Larry Chapman, Jason Chappell, Chairman Mike Hawkins, Page Lemel and Kelvin Phillips. Also present were County Manager Jaime Laughter, County Attorney Tony Dalton and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Jeremiah Reed

There were approximately 40 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

There were no public comments.

AGENDA MODIFICATIONS

Chairman Hawkins requested to remove Item IV.D Resolution In Recognition of Transylvania County Emergency Services and Public Safety Staff and Volunteers under the Consent Agenda. He did not want to omit any group that should be recognized in the resolution. This resolution may be considered at a future meeting. He also requested to remove Item V.A In Recognition of Louise Koontz under Presentations/Recognitions. Ms. Koontz is unable to attend the meeting tonight. Staff will add this item to the agenda for the January 26 County Commissioners' meeting.

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

CONSENT AGENDA

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

The following items were approved:

MINUTES

The minutes of the July 28, 2014 regular meeting were approved.

APPOINTMENT OF REVIEW OFFICERS

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. Annette Raines began her term as Tax Administrator for Transylvania County effective January 1, 2015. Former Tax Administrator David Reid served as the Review Officer for the Tax Office. Mrs. Raines should be designated as a Review Officer for Transylvania County. Land Records Specialist/Mapper Paulette Wall should also be designated as a Review Officer and will serve as backup to Mrs. Raines. Commissioners approved Resolution 02-2015 Appointment of Review Officers for Transylvania County.

(Resolution 02-2015 Appointment of Review Officers for Transylvania County is hereby incorporated by reference and made a part of these minutes.)

AMENDMENTS TO RECORDS RETENTION SCHEDULES

The NC Department of Cultural Resources has made changes to Records Retention Schedules for several departments. The reason for the changes is that the language used in the local records schedules regarding employee eligibility might be misinterpreted. This pertains to the I-9 verification form required by US Citizenship and Immigration Services. The amendment is purely for sake of clarity and does not change the current disposition instructions. Commissioners approved the Records Retention Schedule Amendments for the following departments and authorized the Chairman to sign each signature page:

1. County Management
2. County Tax Administration
3. County Veterans Services
4. Health Department
5. Library
6. County Transportation
7. Register of Deeds

APPOINTMENTS

TOURISM DEVELOPMENT AUTHORITY

The terms for appointments made by the Chamber of Commerce, City of Brevard and Board of Commissioners to the Tourism Development Authority (TDA) expired at the end of December. The Chamber reappointed Kevin Howell as its representative and likewise, the City of Brevard reappointed Councilman Wes Dickson. Steven Dugard serves as the Board of Commissioners' representative. It is the recommendation by the Chamber of Commerce and the TDA that he is reappointed to serve another term for which he is eligible. There is one other application on file and the applicant currently serves on the Transylvania Natural Resources Council.

Commissioner Lemel moved to reappoint Steven Dugard to serve another term on the Tourism Development Authority, seconded by Commissioner Chapman. Commissioner Chappell commented that Mr. Dugard is one of the most active members on the TDA. **The motion was unanimously approved.**

BOARD OF EQUALIZATION AND REVIEW

Gus Constantine's term on the Board of Equalization and Review expires at the end of January. He is eligible and willing to serve another term. There is one other application on file but he does not own property in Transylvania County which is a requirement to serve on the Board of Equalization and Review.

Commissioner Lemel moved to reappoint Gus Constantine to serve another term on the Board of Equalization and Review, seconded by Commissioner Chappell and unanimously approved.

BOARD OF HEALTH

The terms of Chris Biecker, James Holimon and Terry Allen expired at the end of December. Chris Biecker and James Holimon are eligible to serve additional terms; however, Mr. Holimon does not wish to be reappointed. The membership to the Board of Health is specific. The Clerk will work with the Health Director to recruit a member to fill the position for a professional engineer, the position being vacated by Terry Allen, and a member of the general public, the term being vacated by James Holimon. Terry Allen has served two full terms and an additional term so he is no longer eligible. Also, former County Commissioner Daryle Hogsted served as the County Commissioners representative and he should be replaced. Commissioners intend to make this appointment under the next agenda item which addresses all Commissioner appointments.

Commissioner Lemel moved to reappoint Chris Biecker, seconded by Commissioner Phillips and unanimously approved.

COUNTY COMMISSIONER APPOINTMENTS

County Commissioners serve on various boards and committees in the County, region and State. With a new Commissioner on the Board, Commissioners need to look at filling seats vacated by previous Commissioner Daryle Hogsted and discuss whether or not they want to continue serving in their same capacity on other boards and committees.

Here is a breakdown of the boards and committees on which Commissioners currently serve and those that need to be filled:

Larry Chapman

1. Juvenile Crime Prevention Council
2. NCACC District Director

Jason Chappell

1. Land-of-Sky Regional Council-alternate member
2. Work First Planning Committee
3. Personnel Board
4. Tourism Development Authority
5. Rural Planning Organization

Mike Hawkins

1. Chamber of Commerce Board of Directors, ex-officio
2. Land-of-Sky Regional Council-primary member
3. French Broad Water Resources Study Committee
4. Gorges State Park Advisory Committee

Page Lemel

1. Dupont State Forest Advisory Committee
2. Joint Parks and Recreation Strategic Planning Task Force
3. Smoky Mountain LME/MCO County Commissioner Advisory Council

Vacant (previously held by former Commissioner Daryle Hogsted)

1. Board of Health
2. French Broad River Metropolitan Planning Organization, ex-officio

Chairman Hawkins moved to appoint Commissioner Jason Chappell to the French Broad River Metropolitan Planning Organization as an ex-officio member to replace former Commissioner Daryle Hogsed, seconded by Commissioner Phillips and unanimously approved.

Commissioner Chapman moved to appoint Commissioner Kelvin Phillips as the County Commissioner representative to the Board of Health, seconded by Chairman Hawkins and unanimously approved.

Commissioner Chapman moved to appoint Chairman Mike Hawkins to the Tourism Development Authority replacing Commissioner Jason Chappell, seconded by Commissioner Lemel and unanimously approved.

OLD BUSINESS

FIRE/EMS SUBSTATION STUDY

County Operations Manager David McNeill reported that during the process approved by the Board of Commissioners to utilize Architect Rich Worley to evaluate the previously mentioned building as a potential fire and EMS substation, it was determined that a portion of the building is type 2 construction and the other portion (includes bay area) is unknown. The NC Building Code requires Type 4 construction for emergency services buildings. Mr. Worley checked with the Transylvania County Building Inspections Department and confirmed that a retrofit of the building will require structural changes to meet Type 4 construction requirements. This requires an assessment by a structural engineer to determine necessary changes and provide a cost estimate for these changes. Mr. Worley suggested that the County contract with Medlock and Associates Engineering for a feasibility study. Medlock is proposing to provide the following engineering information to Mr. Worley: Assessment of existing structure, preliminary analysis and recommendations for upgrades to meet Type 4 construction and budget numbers for structural upgrades and engineering to complete.

Commissioner Chapman asked if the building was large enough to meet the needs of a fire and EMS substation or if the building would require an extension. Mr. McNeill said Mr. Worley is looking at the addition of an EMS bay which would be included in a proposal brought back to the Board of Commissioners for approval in the future, if the building is purchased. Mr. McNeill believes the study, if approved, should be complete by mid-February.

The Manager recommended Commissioners approve a contract with Medlock and Associates Engineering to conduct a feasibility study with the cost not to exceed \$3,200.00 and with the funds to come from the Sylvan Valley 2 Fire Tax Reserve.

Commissioner Chappell inquired about the status of the Sylvan Valley 2 Fire Tax Reserve. Mr. McNeill reported there are monies in the budget to cover this expense.

Commissioner Lemel moved to approve a contract with Medlock and Associates Engineering to conduct a feasibility study with the cost not to exceed \$3,200.00 and with the funds to come from the Sylvan Valley 2 Fire Tax Reserve. The motion was seconded by Commissioner Chapman. Commissioner Chapman, for the benefit of the public, explained that a substation in this area will help to substantially reduce the insurance rates or property owners in the area. Chairman Hawkins thanked Mr. McNeill for his work on this. **The motion passed unanimously.**

AMENDMENT TO ROSMAN COMMUNITY PARK APPROPRIATIONS

Transylvania County applied for a Parks and Recreation Trust Fund (PARTF) Grant for use between April 1, 2013 and March 31, 2016. After approval of the original application, bid results did not line up

with the original budget as submitted. The PARTF budget and facilities list was modified in July 2014. The total project sum approved was \$362,700 with \$181,350 in grant funds from PARTF. At that time, Commissioners appropriated \$362,700 for Phase II.

A redesign of Phase II was completed and put out for bids in fall 2014 along with four options. The current low bid for the project is from Bradley Builders. If all four options are approved the project will go over the appropriated budget. Those options are detailed below:

Option 1: Colored Block upgrade: Colored block will reduce maintenance expense of having to paint annually. A graffiti coating will also be applied to prevent maintenance issues due to vandalism. The cost for Option 1 is \$12,160.

Option 2: Metal Roof for Restroom building: A metal roof will minimize maintenance and provide a longer life span. The cost for Option 2 is \$350.

Option 3: Metal Roof for Picnic Shelter: A metal roof will minimize maintenance and provide a longer life span. The cost for Option 3 is \$250.

Option 4: Door Timer: Staff and vehicle resources would be reduced from having to drive to Rosman twice a day, 7 days a week to make sure that restrooms are open in a timely manner. The door locks will insure access for residents at posted times. This does not mean there will be no need for staff time at the park; it just ensures facilities are open in a timely manner for use by the public. Total cost for Option 4: \$1,800.

All four options total \$14,960. The contingency currently on the project is also very low at \$2,300. Staff recommends making the contingency 5% during construction for a total contingency of \$19,000. Approval of the four options and increasing contingency on the project results in additional budget appropriation needs of \$33,960.

County funds are already committed to the project to match PARTF at \$181,350. Additional appropriation requested would add \$33,960 with some being contingency that would be returned providing no unexpected issues during construction.

Commissioner Lemel moved to approve the additional appropriations allowing for the four options to be included in the project as reflected and to increase the contingency line item on the project. The motion was seconded by Commissioner Chappell. Commissioner Lemel feels the request is reasonable at this point in the project. It is an important commitment on the County's part to construct the park correctly and minimize maintenance issues. She is ready to move forward for the benefit of the citizens. Commissioner Chapman expressed concern about the effectiveness and reliability of automatic door locks. Commissioner Chappell noted these type of locks are used on restrooms on federal forest restrooms. **The motion passed unanimously.**

RIGHT-OF-WAY REQUEST FOR TOWN OF ROSMAN

The North Carolina Department of Transportation previously requested and was granted right-of-way to install a sewer line crossing County property at the animal shelter. Commissioners granted the request, but required that the line be sized to accommodate future development at the vacant County property next door. The upsizing of the line to include more than one potential user requires that the Town of Rosman be the beneficiary of the right-of-way agreement in order to maintain the line.

County Attorney Tony Dalton has reviewed the draft right-of-way agreement and recommended a few changes to include clearly defining the grantor and grantee and site location. Commissioners asked staff to make the revisions and bring back to the Board at the next meeting.

Commissioner Chapman moved to instruct the County Attorney to work with the Town Attorney for Rosman to develop an agreement to bring back to the Board of Commissioners for approval. The motion was seconded by Commissioner Chappell and unanimously approved.

NEW BUSINESS

2014 TAX SETTLEMENT REPORT

Upon retirement the Tax Collector must make a full settlement for all tax records in his hands per NCGS 105-373 (c) and (d). Retired Tax Administrator David Reid noted that Commissioners had been provided with a hard copy of the report. He highlighted the following areas of the report:

- As of December 31, 2014, the total levy the Tax Administrator was charged with was \$33,284,567.19.
- Of the levied amount, \$26.2 million was from the County.
- The collection rate as of December 31, 2014 was 78.86%; as of January 5, 2015, the collection rate had increased to 89.75%.

Mr. Reid thanked his staff for gathering the input for this report, especially during one of the busiest times of the year for the Tax Office.

Commissioner Chappell moved to approve the 2014 Tax Settlement Report, seconded by Commissioner Lemel and unanimously approved.

NCACC REQUEST FOR FEDERAL LEGISLATIVE PRIORITIES

Each year the North Carolina Association of County Commissioners (NCACC) solicits input and proposals from counties concerning the most important federal issues that impact North Carolina counties. The Board of Directors will review the proposals at its February 4 meeting and choose the top issues to be their Federal Agenda for the 114th Session of Congress for 2015-16. The list will be presented to our North Carolina delegation in late February.

Here is the list of 2014 NCACC Federal Issues:

1. Ensure that budget reforms and sequestrations do not result in unfunded mandates to counties
2. Protect Temporary Assistance for Needy Families (TANF) and Social Services Block Grants (SSBG)
3. Support Remote Sales Tax Collection (Marketplace Fairness Act)
4. Maintain funding for education and workforce development
5. Revisions to Biggert-Waters (National Flood Insurance Program)
6. Reinstate federal capacity funding for Cooperative/Agriculture Extension Services
7. Support funding improvements to broadband access to rural areas
8. Development and implementation of a realistic, fair and enforceable national immigration policy

The Manager recommended Commissioners consider resubmission of last year's agenda and discuss other items they would like for the NCACC to consider. Commissioners discussed and recommended submitting the following Federal Issues to the NCACC:

- Payment in Lieu of Taxes (PILT) – these are funds provided to counties by the federal government in lieu of property taxes where the federal government owns property in those respective counties
- Fully funding Food and Nutrition Program for public schools – the current reimbursement rate does not cover the current cost
- Secure Rural Schools

Commissioners will discuss these further at the next meeting and make a final decision on the list of issues to submit. Commissioners are to email their goals to the Manager prior to the next agenda deadline date.

Commissioner Chapman reported he will be attending the Legislative Goals Conference in Pinehurst this week. He serves as the County's voting delegate and he intends to vote on the goals that will be submitted to the State legislature. He invited the public to view these goals on the NCACC website at www.ncacc.org. He encouraged citizens to contact their legislators to let them know how important these goals are to counties.

APPLICATION FORM FOR BOARDS AND COMMITTEES

Recently a committee was formed to review the entire board and committee process. Members are reviewing the recruitment process, applications, vetting of applicants and training for board and committee members so they can be effective and engaged members. Much of the work is ongoing; however, members have revised the current board and committee application for Commissioners' consideration.

The current application asks for name, address and contact information and provides a few lines for applicants to give a brief explanation as to why they want to serve on a particular board or committee. The new application is much more in-depth. In addition to providing the basic contact information and the name of the board or committee for which the applicant wants to apply, it asks the applicant to say whether or not they are an actual resident of the County. It asks applicants to describe previous board or leadership experience, list community involvement, describe their experience, training or qualifications that would be helpful to a particular board or committee, explain what they feel they would contribute to the board or committee and inform Commissioners if there are any community topics that concern them related to the board or committee for which they are applying. The application also requests specific demographics information for the purpose of diversity and balance for internal tracking. The committee feels the new application will provide Commissioners with better information about those citizens who want to serve Transylvania County, therefore Commissioners will more thoroughly be able to vet applicants to ensure they are the right fit for a particular board or committee.

This application, if approved, will be made available in hard copy. It will also be available online and will be managed by the Clerk through the new Granicus software that was approved in December.

Commissioner Lemel moved to approve the revised application form for boards and committees. The motion was seconded by Commissioner Chapman. Commissioner Chappell preferred to remove the demographic information from the application. He understands the reasoning for requesting this information, but he is more concerned with the applicants' qualifications. He also asked that the question about the length of residency be removed. Commissioner Chapman agreed these should be removed. He thanked Commissioner Lemel and the group of individuals for working on this project. These boards and committees are critical to the County and it is important that the Board of Commissioners helps to increase citizen participation. **Commissioner Lemel amended motion to accept the new application form for boards and committees, removing the length of residency and demographics information. The amended motion was seconded by Commissioner Chapman.** Commissioner Phillips said sometimes citizens are unable to serve because the times of the meetings were inconvenient for the

applicant. He hopes boards and committees will consider more flexible schedules to accommodate those with day jobs. Commissioner Lemel said the next step in the process is reviewing the operations of the boards and committees and the recommendation would be to allow each of the boards and committees to set their own times which would be at the convenience of the membership. She agreed that Commissioners should not dictate the meeting schedules. Commissioner Chapman, for the benefit of the public, noted that information on the application is public record. **The amended motion was unanimously approved. The main motion was unanimously approved.**

REDUCTION OF HOME AND COMMUNITY CARE BLOCK GRANT FUNDING

Transylvania County's FY 2015 Home and Community Care Block Grant (HCCBG) allocations were confirmed with a reduced amount from prior years in December requiring a budget amendment to reflect the reduction and authorize the Board of Commissioners' Chairman to sign the revision forms for each provider. Transylvania County's FY 2015 HCCBG revised allocations were \$3,688 less than originally projected. The reduced amount of the block grant requires a budget amendment to show the reduced revenue and the reduced expenditure by providers who utilize these funds for services. All changes are reflected on the attached budget amendment. There is no direct expense to the county as the amended revenue and expenditures are balanced. These grant funds are administered by the Land of Sky Regional Council.

Commissioner Lemel moved to approve the budget amendment for the Home and Community Care Block Grant and authorize Chairman Hawkins to sign the revised provider 732 forms, seconded by Commissioner Chappell and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- Annette Raines, Tax Administrator, received her Assessor's Certification from the North Carolina Department of Revenue.
- The Tax Administration and Register of Deeds building renovation project is approximately 51% complete and work continues around weather issues.
- Elaine Russell joined County staff as the new Health Director as of January 5. The process has begun for the search for a new Social Services Director.
- The Courthouse Study is proceeding well with Moseley Architects completing the space needs interviews with affected departments and agencies in late December.
- The Strategic Plan is also underway with next steps to include goal statement drafts and input sessions with stakeholders.
- The old Detention Center Architectural Drawings are complete and a survey of the site is underway to aid in completing the bid drawings and documents.
- Building permits have grown to 1,286 in 2014 from 1,009 in 2012, a growth of 27%. Total construction value increased to \$58,855,807 in 2014 from \$41,768,585 in 2012 reflecting a 40% increase. Both are indicators of a growing local economy along with increasing sales tax receipts.
- Staff is currently working alongside the Transylvania Partnership for Economic Development on several development projects.

Commissioner Lemel asked that with the growth in building permits if the Inspections Department is handling all the requests for permits and meeting requirements. The department's staffing was reduced in the recession and the new employee is required to attend a significant amount of training. The Manager said the office is strained at this point. In her discussions with Director Mike Owen she has asked him to review his budget closely and determine if moving forward there is the ability to assist with additional staffing. He is committed to getting through the budget year with the current staffing level. Commissioner

Chapman noted that Mr. Owen lost his mother recently and asked everyone to keep him and his family in their thoughts and prayers.

PUBLIC COMMENT

Don Surrette: Mr. Surrette said he is encouraged with the economic development efforts of TPED. The water study commissioned by the Board last year also points to the optimism he has about economic development. Mr. Surrette believes it is time for Commissioners to consider hiring a professional engineer as a new staff person to help with projects related to economic development. The County has handled several projects over the years through contractors and adding a staff person speaks volumes in terms of the investment and future of Transylvania County.

COMMISSIONERS' COMMENTS

Commissioner Chappell noted that the NC General Assembly is having discussions about changing the structure of sales tax distribution. He would like for this to be a future topic of discussion at a meeting so Commissioners can remain aware of how this legislation might affect the County. Commissioner Chapman added he is unsure if this is one of the Legislative Goals submitted to the NCACC, but he will bring it up for discussion while at the Legislative Goals Conference.

Commissioner Lemel reported that she attended an all-day conference on Tuesday sponsored by Wilderness Society on Nantahala and Pisgah forest revisions plans. Many people have been watching closely out of concerns because of the tremendous impact federal lands have on the economy here in Transylvania County. It was a good meeting and the County was well-represented. She also attended the Hunger Coalition meeting in an effort to determine how to help those who are neglected in this County.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (4) to discuss matters relating to the location or expansion of business and (a) (5) to establish or instruct staff or agent concerning the negotiation of price and/or terms of a contract concerning the acquisition of real property, after a 5 minute recess, seconded by Commissioner Chappell and unanimously approved.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (4) to discuss matters relating to the location or expansion of business and (a) (5) to establish or instruct staff or agent concerning the negotiation of price and/or terms of a contract concerning the acquisition of real property, closed session was entered into at 8:07 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Lemel and Phillips, County Manager Jaime Laughter, Planning and Community Development Director Mark Burrows, via Skype Interim Director of Transylvania Partnership for Economic Development (TPED) Crystal Morphis, County Attorney Tony Dalton, IT Specialist Mike McKinney (for media support) and Clerk to the Board Trisha Hogan.

Commissioners were informed about a potential economic development project and an opportunity to purchase a piece of property. Commissioners discussed these items at length and instructed staff on how to proceed.

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

OPEN SESSION

Chairman Hawkins moved to seal the minutes of the first closed session until such time that opening the minutes does not frustrate the purpose of the closed session, seconded by Commissioner Chapman and unanimously approved.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (5) to establish or instruct staff concerning the acquisition of real property, seconded by Commissioner Chapman and unanimously approved.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (5) to establish or instruct staff concerning the acquisition of real property, the second closed session was entered into. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Lemel and Phillips, County Manager Jaime Laughter, Planning and Community Development Director Mark Burrows, via Skype Interim Director of Transylvania Partnership for Economic Development (TPED) Crystal Morphus, County Attorney Tony Dalton, IT Specialist Mike McKinney (for media support) and Clerk to the Board Trisha Hogan.

Commissioners were informed about a potential economic development project and an opportunity to purchase a piece of property. Commissioners discussed these items at length and instructed staff on how to proceed.

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

OPEN SESSION

Chairman Hawkins moved to seal the minutes of the second closed session until such time that opening the minutes does not frustrate the purpose of the closed session, seconded by Commissioner Chappell and unanimously approved.

Chairman Hawkins moved to schedule a public hearing at the regularly scheduled meeting of the Board of Commissioners on January 26, 2015 for Project Stone for the purposes of receiving public comment on an offer for an incentive grant. The motion was seconded by Commissioner Phillips. Commissioner Chappell requested an amendment to the motion which was agreed to by Chairman Hawkins and it was amended to say that the incentive grant offer is for \$1,500 per new job created over a three-year period and matching the Building Reuse Funds by 5% which equates to \$25,000. The amendment was seconded by Commissioner Chappell and unanimously approved. The main motion was unanimously approved.

ADJOURNMENT

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

ATTEST:

Mike Hawkins, Chair
Transylvania County Board of Commissioners

Trisha M. Hogan, Clerk to the Board

01/12/2015