

**MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 9, 2015 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, February 9, 2015 at 7:00 p.m. in 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 25 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:05 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

Gerry Hunsicker: Mr. Hunsicker spoke in opposition of the government, mostly the federal government, for spending taxpayer dollars on promoting their own rules and regulations, which he views as propaganda. He said these federal agencies, such as the EPA and DENR, can have a profound impact on citizens' lives through the violation of private property rights.

AGENDA MODIFICATIONS

There were no agenda modifications.

Commissioner Lemel 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:

MINUTES

The minutes of the August 4, 2014 regular meeting and sealed closed session were approved.

LETTER TO NC DEPARTMENT OF TRANSPORTATION REGARDING ROAD SAFETY ISSUES

Commissioner Chapman recently received correspondence from a citizen expressing concern about there being no guardrails along sections of Wilson Road and Highway 276 where the roadway runs close to the river. He asked that Commissioners request the NC Department of Transportation give these and other road safety issues careful consideration and address potentially dangerous areas with guardrails or other safety measures. Commissioners authorized Chairman Hawkins to send a letter to the NC Department of Transportation on behalf of the Board of Commissioners asking that they investigate potential dangerous areas on Transylvania County roads and develop a plan to address the safety of those roads. Commissioner Lemel commended Commissioner Chapman for bringing forth this item. This came as a result of a deadly accident in Buncombe County.

PRESENTATIONS/RECOGNITIONS

REPORT ON “WHOSE WATER IS IT ANYWAY” CONFERENCE

The Transylvania Natural Resources Council (TNRC) held a conference in the fall at Brevard College entitled “Whose Water Is It Anyway”. TNRC Chair Susan Brown provided a report on the success of the conference and fielded questions from Commissioners. After the presentation, the Manager will comment on possible next steps to follow up on the conference and the ongoing planning that the City of Brevard is doing regarding their water needs.

This is a summary of the presentation:

The Conference was held on November 15, 2014 at Brevard College. The TNRC organized the Conference under the leadership of TNRC member Peter Chaveas. There is a distinct relationship between the County’s natural resources and its economy. It was concluded after the three-day workshop in March 2014 entitled “Balancing Nature and Commerce in Transylvania County” that a conference to educate citizens on this relationship was much needed and that the topic of discussion should be water resources.

The main objectives of this Conference were to further expand the participation of the entire interested Transylvania County community in the conversation and determine a future action plan to continue to engage citizens in addressing concrete challenges to our natural resources and economic future of the County. Over 200 people attended the Conference. Afterwards, 15% of attendees completed an evaluation of the Conference. The feedback received was that the Conference was successful in its effort to have individual speakers and panelists offer their expertise and practical experience to present evidence-based information about water issues of concern to the community. Responses indicated that the Conference was somewhat less effective in achieving the objective of being organized in a way as to encourage and expand dialogue among participating citizens about our water resources.

The Conference evaluation asked participants several questions about Conference highlights, areas for improvement, and next steps in addressing water and other natural resources issues. Drawing on those responses, the TNRC offered the following conclusions:

- The Conference was successful in providing new, relevant information. There remains interest in having more information about how individual landowners would be impacted by various options for drawing water from the French Broad River or other sources. There was also interest expressed in learning about threats to water quality and about land use planning.
- Citizens are anxious to hear from their elected officials and policy makers about timely steps being taken to address the community’s water related challenges and evidence there is collaboration among the County and the municipal governments.

- The possible challenge posed to the County's water resources by future demands for inter-basin transfers and downstream transfers, and the planning and measures required to protect County interests were new subjects to many participants.
- *The Transylvania Times* did a nice job of reporting on the Conference. Organizers hope other media will participate in future events.
- There is a clear demand within the community for more of this kind of activity. This Conference was organized almost exclusively by volunteers. If this is to become a regular, periodic activity, continuing reliance on an all-volunteer force would be ill-advised. Future events should be led by County personnel or contractors with relevant expertise.
- Attendance at the Conference was both fairly large and diverse. Some segments of the community did not have interest in participating although the Conference was widely advertised and discussed. There needs to be a better effort to target a broader audience.
- Participants in the Conference were not as engaged as desired and some felt the format was not as conducive to questions, answers and comments as desirable. More time and other new approaches are needed to facilitate greater engagement at future events.

Ms. Brown thanked all those who contributed to the development and execution of the Conference. She also thanked Chairman Hawkins and Commissioners Chapman and Lemel for their participation and expressed appreciation to the Manager for offering her expertise as one of the panel speakers.

Board discussion:

Commissioner Chapman inquired about the next steps for the TNRC. Ms. Brown said the TNRC is planning a speaker series to bring in expertise in other areas. There will also be a future conference on a specific topic.

The Manager stressed the importance of continuing the discussion on water. The City of Brevard is taking steps to expand their capacity. A water capacity study indicated the City would need 5.2 million gallons per day (mgd) by the year 2065. The same study indicated the County would need 4.8 mgd for a combined total of 10 mgd. Combining efforts will limit the location for a water treatment and intake facility. She indicated water will be a competitive resource in the future so it is vital that the County think long term and stake its claim, otherwise it could stifle our ability to grow. She said as the City continues its due diligence, the County needs to remain engaged and try to address the water needs collectively because it is the biggest resource in Transylvania County.

Commissioner Chapman asked if the County is at the point of engaging the two municipalities to begin planning. The Manager said the County is the bridge and should take the lead on this. This issue is going to have a big impact on the future of the County so it is important to work together with the municipalities.

Commissioner Lemel commented that this issue has long been an interest of hers. She encouraged everyone to follow this topic closely. She believes the County is in the best position to take the lead with the State and its regulations and requirements. She stated that this County cannot remain dependent on groundwater as its water source. The Manager agreed and noted that the Clean Water Act is set to become more regulatory so the earlier the County acts, the better.

Chairman Hawkins recognized and thanked Ms. Brown, the TNRC membership and all those who helped develop and organize the Conference.

Chairman Hawkins referred back to the water study, noting it indicated that the County would need a capacity of 4.8 mgd in 50 years. This did not include the needs for the City. The study indicated the cost

was in the \$40 million range for constructing a water intake/treatment facility. He said the Board of Commissioners needs to determine a prudent number for capacity and ask staff to develop a plan based on that number and determine the best management structure. He asked the Manager to take the work done by the TNRC in this area and collaborate with the municipalities at the staff level to identify the actual needs. This information should be brought back to the Board of Commissioners for review. Afterwards, effort should be made to schedule a joint meeting so the County and municipalities can begin developing the framework for a 50-year plan. The message here is that the County is interested and ready to move forward. The Manager agreed the discussions should begin at the staff level. She noted the City is concerned about financing and navigating through the environmental aspects. It is vital that we figure out who our partners are and move forward from there.

APPOINTMENTS

PLANNING BOARD-CHAIR

Commissioners made appointments to the Planning Board at the last meeting, but the Clerk neglected to ask Commissioners to appoint a member to serve as chair. Wayne Hennie currently serves as chair and has no issue with being reappointed as chair if Commissioners so desire.

Commissioner Lemel moved to reappoint Wayne Hennie as Chair of the Planning Board. The motion was seconded by Commissioners Chapman and Phillips simultaneously. Commissioners thanked Mr. Hennie for his willingness to serve. **The motion was unanimously approved.**

PARKS AND RECREATION COMMISSION

There is one vacancy on the Parks and Recreation Commission due to a recent resignation. There are two eligible applications on file. One already serves on a committee.

Commissioner Lemel moved to appoint Ryan Seymour to fill the vacant position on the Parks and Recreation Commission, seconded by Commissioner Chappell and unanimously approved.

OLD BUSINESS

ROSMAN RIGHT-OF-WAY REQUEST FOR NCDOT SEWER LINE

The NC 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 adjacent vacant County property. 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.

Commissioner Lemel moved to approve staff to sign a right-of-way agreement on behalf of Transylvania County with the Town of Rosman. The motion was seconded by Commissioner Phillips. In response to questions from Commissioners, the Manager reported that the timeframe to begin the project is right away, that the County Attorney had reviewed the agreement and found no cause for concern, and finally that the Town of Rosman would be responsible for removing trees and fill dirt. **The motion was approved unanimously.**

NEW BUSINESS

ADDITIONAL FUNDS FOR DEBRIS REMOVAL IN THE FRENCH BROAD RIVER

For the past two years the County has set aside in the budget \$20,000 for debris removal. Starting in August of 2014 the Soil and Water Conservation District has completed seven debris removal projects, utilizing all but \$421.50. A new blockage has recently formed from trees falling into the river from both

opposing banks, resulting in a complete span of the river, which will continue to capture other debris as it floats down from sites upstream.

For approximately \$3,500 now, tens of thousands of dollars can be saved in additional removal costs as the blockage grows, not to mention the sedimentation of the river once it starts to carve its way around the debris through the rich farmland soils.

The French Broad River Stewards and the Soil and Water Conservation District recommend that this debris removal site (#8 for the year) be funded so clearing can begin in a timely manner to remove the safety hazard that it creates and to reduce the cost of removal if they were to wait until the next budget cycle.

Don Surette spoke on behalf of the French Broad River Stewards. He showed picture of other debris removal projects. He has visited the site of the current log jam and said it continues to grow in size. He thanked Commissioners for their consideration of this project because it contributes to public safety.

Commissioner Chapman suggested the French Broad River Stewards engage property owners along the river to help prevent debris jams from growing.

Chairman Hawkins suggested appropriating additional dollars to a budget line item being there are a few months remaining in the fiscal year. Should another debris jam occur, the funds would be available to remove it. The Manager indicated the funds would come from contingency.

Commissioner Hawkins moved to appropriate \$7,500 from contingency as a line item in the budget for river clean up. The motion was seconded by Commissioner Chapman and approved unanimously.

FIRE MARSHAL'S OFFICE STAFFING

In order to preserve and protect public health and safety and to satisfy the requirements of NCGS 143A-364 and 160A-424, political subdivisions assuming inspection duties, as set out in NCGS 153A-351 and 160A-411, shall have periodic inspection schedules for the purpose of identifying activities and conditions in buildings, structures and premises that pose the danger of fire, explosion or related hazards. Such inspection schedule shall be approved by the local governing body and shall be submitted to the Office of the State Fire Marshal of the Department of Insurance. In no case shall inspections be conducted less frequently than described in the schedule below:

Once every year	Hazardous, institutional, high-rise, assembly over 100 occupants and residential occupancies greater than a two family dwelling.
Once every two years	Industrial and educational (except public and private schools as they are required to be inspected twice during the school operational period).
Once every three years	Assembly under 100 occupants, business, mercantile, storage, churches, synagogues and miscellaneous Group U occupancies.

This inspection schedule was approved by the local governing body and was submitted to the Division of Engineering of the Department of Insurance in 1993. Failures of this department to perform the duties that are required by law are addressed in the Legal Aspects of Building Code Enforcement in North Carolina.

Operations Manager David McNeill reported that currently the Fire Marshal has an inspection database of 1,143 occupancies. Every permit issued for new commercial property adds to the inspection numbers and at this time the Fire Marshal's Office conducts plan reviews on all commercial permit applications. Last year the department completed 69% of the inspections needed to meet the approved inspection schedule. The Fire Marshal estimates that if fully staffed with a trained and certified fire inspector at the current 30 hours per week for a 12-month period, the department can accomplish approximately 80% of the inspection schedule. Given the fact that the part-time inspector resigned to accept a full time position in November 2014, it is evident that the 80% inspection rate will not be achieved this year.

The ability to complete the fire inspection schedule and conduct fire investigations cannot be overstated. A report provided by Gerald Grose, Fire Marshal, demonstrates a continuous cycle of turnover in the current part-time position. This results in an inability to complete the required inspections. The consistent turnover results in cost associated with training and education necessary for certification and acquisition of appropriately sized personal protective equipment and uniforms.

Human Resources Director Sheila Cozart provided a total financial impact of \$7,212 annually at the current hourly rate. Mr. McNeill recommended that Commissioners approve the request for an additional 7.5 hours per week and reclassification of the part-time Fire Inspector position to full-time Fire Inspector. He also asked, if approved as a full time position, that the Human Resources Director evaluate the position grade and classification and assign the position to the proper grade based on the position requirements beginning next fiscal year. The position has been vacant since November so there are funds available to cover the cost for the remainder of the year. It would add to the budget for next year.

Commissioner Lemel moved to approve the request for an additional 7.5 hours per week and reclassify the part time Fire Inspector position to a full time Fire Inspector and to ask the Human Resources Director to evaluate the position grade and classification and assign the position to the proper grade based on the position requirements beginning next fiscal year. The motion was seconded by Commissioner Chappell. Commissioner Chapman expressed concern about changing positions mid-year and preferred to discuss this during the budget process. Commissioner Phillips asked if the County had received any applications for the position. Mr. McNeill stated there is interest if the position is reclassified to full-time. Commissioner Lemel stated this is an area of great interest to her because her camp suffered one of the largest property fires in the County. She said it is evident this department has outgrown its resources and is not meeting State requirements. She further stated that the County needs to be professional in its delivery of emergency services. Commissioner Chappell inquired about the penalty for not meeting inspections. Mr. McNeill said the State will make a site visit if they receive a complaint, but the most devastating issue would be if a fire occurs in a facility that was not inspected. This is clearly a safety issue. Chairman Hawkins noted that history supports the fact that keeping this position part-time puts the County at a disadvantage for hiring. He asked that the pay grade be properly assigned before advertising the position. If additional funding is needed after the proper pay grade is determined, staff should bring the request back to Commissioners for consideration. **The motion was unanimously approved.**

NEW SOCIAL WORK POSITION REQUEST

The Department of Health and Human Services tracks child welfare caseload information using data from the Child Welfare Workforce Data Book which is submitted by each county. It was determined that many counties did not have sufficient staff to meet the State caseload standards which is an average of 10 families per worker. As a result, the NC State Budget has appropriated new State monies to hire additional staff as specified in legislation to closer meet the recommended standards.

Funding in the amount of \$39,314 has been allocated to Transylvania County for FY 2014-15 which would fully cover salary costs and benefits this fiscal year. Funding in the amount of \$52,419 will be

allocated for FY 2015-16 which will not fully cover salary and benefits for the position. The entry level salary and fringe for the position is \$57,698, which would result in a cost to the County in the amount of \$5,279.

Commissioner Phillips expressed concern about the State continuing to provide the necessary funding. Interim Social Services Director Carson Griffin stated that the State tracks this closely and they must meet certain standards. She is confident funding will continue. She noted that the State funds those positions which are providing mandated services.

Commissioner Lemel moved to authorize the addition of a Social Work III position at no cost for FY 2014-15 and a County cost of \$5,279 for FY 2015-16. The motion was seconded by Commissioner Chapman. Commissioner Chappell said if the State decides to decrease funding or no longer fund the position, staff should come back before the Board to evaluate the position to determine if it is needed. **The motion passed unanimously.**

MANAGER'S REPORT

The Manager reported the following:

- Manager's Conference follow up: Hot topics at the State level continue to be economic development incentive funding (JDIG or NC Complete), Medicaid reform and tax reform. All of these directly impact the County and will require continued involvement.
- The announcement that Transylvania Regional Hospital will no longer have labor and delivery as of March this year has some serious implications for the County. Not only does it raise some public health concerns, it also has an economic development and cultural impact. Staffs in multiple departments are working to explore ways to mitigate the impact this will have on citizens.
- We should be seeing results from both the old detention center project and the fire station/EMS station study within the next month.
- Parks and Recreation is holding a public input session on February 17 from 5:30 p.m. - 6:30 p.m. at the Recreation Center to share preliminary designs on the Silvermont and Rosman Playgrounds and to gather public input.

PUBLIC COMMENT

Edwin Jones: Mr. Jones commented on the cleanup of debris jams. He suggested consideration should be given to having periodic inspections of shorelines and removal of trees that are ready to fall. This may help to minimize the number of debris jams.

Don Surette: Mr. Surette thanked Commissioners for their generosity in helping with cleaning up debris jams. He agreed with Mr. Jones' suggestion, but said it is a very difficult task to accomplish because it takes time to float the river. He said this time of year it is best to do flyovers. On an economic development note, he said the Town of Mills River and others have secured a Golden Leaf Foundation Grant to install additional water and sewer lines down School House Road. Mr. Surette said this is the kind of news that should be coming out of Transylvania County as well.

Gerry Hunsicker: Mr. Hunsicker commented on Mission Hospital taking over the birthing center for Transylvania Regional Hospital. He said there is a high percentage of children being born here in poor health and they need care that our local hospital cannot provide. Also, only a few doctors remain in the County that can provide this service. Unfortunately, the numbers do not justify a birthing center being located here.

COMMISSIONERS' COMMENTS

Commissioner Lemel reported on her Commissioner activities since the last meeting. She met with the Health Director to discuss the delivery of services in the community. She attended the City of Brevard's retreat and learned more about water resources. Commissioner Lemel attended a presentation on fire delivery service as well. She spoke with the Governor's Western Region Representative April Riddle and discussed issues impacting this region and the inequitable distribution of tax dollars. She made an appearance at a retirement celebration for longtime Social Services employee Louise Koontz. Commissioner Lemel is the Board's representative on the Parks and Recreation Strategic Planning Committee to study recreation needs of the County. The Committee expects to receive proposals soon on helping to develop its strategic plan. Commissioner Lemel's daughter volunteered at the animal shelter recently. This is another way citizens can become engaged with their local government. Lastly, she reported she had dinner with Robin Ramsey, Senator Burr's Western Region Representative, and discussed federal issues that impact Transylvania County.

Commissioner Chapman serves on the Board of Directors of the NC Association of County Commissioners (NCACC). He attended a recent meeting and learned that Transylvania County was one of few counties that actually submitted legislative goals for consideration. There are several issues at the State and federal level that impact this County and the NCACC is a wonderful advocate for counties. He also met with the Governor's Western Region Representative April Riddle to discuss issues impacting Transylvania County. Commissioner Chapman noted that Haywood County is evaluating the need for a new animal shelter and officials from Haywood County will be touring the Transylvania County Animal Shelter this Friday.

Commissioner Chappell invited Commissioners to attend a summit at the Porter Center on the campus of Brevard College on March 6. It is being sponsored by Blue Ridge Community College and Vision Transylvania. Economic development and topics relevant to economic development will be the focus of discussion.

Chairman Hawkins announced that the Manager was one of the featured presenters at the Manager's Conference she attended and she did a fantastic job.

Chairman Hawkins commented that there are many agenda items Commissioners must make decisions on at their Board meetings and some of the items have more significance than others. The TNRC presentation tonight was one of those. He said the conversation on water needs to continue and it needs to be done thoughtfully and collaboratively with the municipalities.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board