

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
March 23, 2015 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, March 23, 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 50 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:04 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 Commissioners and staff in attendance. Chairman Hawkins reminded the members of the audience there are hearing devices available for those with hearing impairment.

PUBLIC COMMENT

Chris Craft: Mr. Craft is the president of Lake Toxaway Community Center. The Community Center has a sports facility with a track, baseball field, tennis court, basketball court and playground for children. Currently there is no bathroom accessibility at the sports facility. Mr. Craft requested assistance from the County in providing funding for a handicap accessible portable toilet for the period of one year while the Community Center makes plans for a permanent solution. The Community Center is comprised of two buildings which would have to be manned in order to provide restroom access. He said there are over 300 people each week using the facility during the summer.

The Manager updated Commissioners on this matter which was brought to her attention last week. She reported the cost of providing a portable toilet is between \$130 and \$150 per month. She noted that several community centers receive \$1,200 grants annually from the County because they serve as a voting site. The Lake Toxaway Community Center is a grant recipient. The Manager determined three different options for Commissioners' consideration. If allowed by the Board, this item will be added when discussing agenda modifications and then considered later in the meeting.

Judith West: Ms. West commended Commissioners for the work that went into developing the economic incentive policy because it reflects their values. She recommended two revisions to the policy concerning living wage, defined as the wage that provides a family's basic needs, that she believes will strengthen the policy. The proposed incentive policy states that any incentivized business, whether new or existing, should provide jobs that would pay an average wage at least equal to the average wage in the County. Ms. West asked Commissioners to consider median wage rather than average wage because the average wage figures can easily be skewed. She also asked Commissioners to consider establishing a minimum

wage floor, for example \$10.35/hour with benefits. Ms. West stated that everyone wants business and jobs here in the County, but not those in which taxpayers will have to subsidize.

Lee McMinn: Mr. McMinn also commented on the economic incentive policy. He believes the formula being considered provides a great deal of flexibility in how it is administered and what is offered to a particular business. He suggested Commissioners also consider bonus points for businesses that follow green building practices and operating procedures because these are the types of businesses citizens want here. To follow up on Ms. West's comments, he agreed Commissioners should strive to attract good, well-paying businesses to Transylvania County that are both friendly to the environment and friendly to the people.

AGENDA MODIFICATIONS

At the request of Commissioners, the Manager requested to add Item B. Lake Toxaway Community Center Request for Waste Facility under New Business. The Manager's Report will be moved to Item C.

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

CONSENT AGENDA

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

The following items were approved:

MINUTES

Commissioners met in Closed Session to discuss two separate matters on July 14, 2014. They held a Special Closed Session on July 16, 2014 and also met in Closed Session on August 25, 2014 following the regular meeting. In addition, Commissioners met in Regular Session on October 27, 2014 and on November 17, 2014 (which was rescheduled from November 10). Commissioners approved the minutes as submitted.

UNSEALING OF SEALED CLOSED SESSION MINUTES

Commissioners are permitted by NC General Statutes to meet in closed session only for specific reasons. The Clerk and County Attorney reviewed the Sealed Closed Session Minutes and recommended the following be unsealed and made available for public inspection:

1. July 7, 2014: Consider qualifications and condition of employment for prospective public officer; negotiate terms of contract for employment
2. July 14, 2014: Consult with Attorney
3. July 14, 2014: Location or expansion of business
4. July 16, 2014: Consider qualifications and condition of employment for prospective public officer; negotiate terms of contract for employment
5. August 4, 2014: Consider qualifications and condition of employment for prospective public officer; negotiate terms of contract for employment
6. August 25, 2014: Consult with Attorney

Commissioners authorized the Clerk to unseal the list of minutes as submitted and make available for public inspection.

DISCOVERY, RELEASE AND MONTHLY SETTLEMENT REPORT

Each month the Tax Administrator has a listing of proposed releases for that month. The Board of Commissioners has the responsibility of approving the releases. Total tax dollars released was \$1,766.44. Refunds totaled \$648.71. Commissioners approved the Discovery, Release and Monthly Settlement Report for February 2015.

PROCLAMATION-NATIONAL PUBLIC SAFETY TELE-COMMUNICATORS WEEK

The second week in April is permanently recognized as National Public Safety Tele-communicators Week to honor the thousands of men and women who respond to emergency calls, dispatch professionals and equipment and render life-saving assistance to the citizens of the United States. Commissioners are very proud of all the Tele-communicators who work in the County's Communications Center and the vital services they provide to the citizens of Transylvania County and their fellow emergency services comrades. This is a proclamation that the Board has passed annually over the last few years. Commissioners approved Proclamation 08-2015 National Public Safety Tele-communicators Week. Chairman Hawkins read aloud the proclamation for the benefit of the public.

(Proclamation 08-2015 National Public Safety Tele-communicators Week is hereby incorporated by reference and made a part of these minutes.)

PRESENTATIONS/RECOGNITIONS

RESOLUTION IN RECOGNITION OF JEFF PRESSLEY

Jeff Pressley will retire from Transylvania County effective April 1, 2015. He has been an employee of the EMS Department since April 1983. EMS Director Bobby Cooper said he is proud to have worked with Mr. Pressley for so many years. He noted that Mr. Pressley is the second employee to ever retire from EMS. He read aloud the proclamation for the benefit of the public.

Commissioner Chapman moved to approve Resolution 05-2015 In Recognition of Douglas Jeffrey Pressley. The motion was seconded by Commissioner Phillips. Commissioners thanked Mr. Pressley for his service to the County and wished him well in his retirement. Mr. Pressley expressed heartfelt appreciation to the County for allowing him the opportunity to serve for so many years. The audience expressed their appreciation through applause. **The motion was approved unanimously.** Commissioners presented him with the resolution.

(Resolution 05-2015 In Recognition of Douglas Jeffrey Pressley is hereby incorporated by reference and made a part of these minutes.)

INVASIVE PLANT ERADICATION WORKSHOP SUPPORT AND FUNDING REQUEST

Susan Sunflower with Transylvania Naturally is planning to hold two workshops in April to provide education to the public on identifying and eradicating nonnative invasive plants. Several groups have offered their support and assistance, including the local branch of the NC Native Plant Society, County Parks and Recreation and Cooperative Extension Service. Ms. Sunflower requested a \$100 appropriation from the County to cover the costs of advertising the workshops and providing education materials to the public. The workshop will consist of classroom learning and hands-on work in the field.

Commissioner Lemel moved to approve the \$100 request to cover the costs of advertising the workshops and marketing to the public about invasive plant identification and eradication. The motion was seconded by Commissioner Chapman. While Commissioners supported the concept of the workshops, they were concerned about these requests coming to Commissioners outside of the normal budget cycle and about putting the County in a position to receive these types of requests on a continual basis. Commissioners would like to see these requests managed more effectively. The Manager

suggested Commissioners consider a policy in the future to handle these requests. Commissioner Phillips had a separate concern in addition to the budget request. He stated that Cooperative Extension Service has provided education to citizens over the years on this topic and the information is readily accessible. Ms. Sunflower responded that while there are resources available, the average homeowner or small farmer may learn better in a hands-on environment. **Commissioner Lemel called for the previous question. There was no second. There was no further discussion and the motion passed by a vote of 3 to 2, with Commissioners Chappell and Phillips voting against.**

APPOINTMENTS

APPOINTMENT OF REVIEW OFFICERS FOR CITY OF BREVARD

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. The Clerk received an email from the City of Brevard Planning Department about making sure the correct Review Officers for the City of Brevard were recorded with the Register of Deeds Office. Those no longer employed with the City of Brevard should be removed. The Clerk will work with the City Planning Staff to determine who should be removed. The resolution lists those who should be active Review Officers for the City of Brevard. They are Joshua Freeman, Daniel Cobb, Aaron Bland and Janice Pinson.

Commissioner Lemel moved to approve Resolution 06-2015 Appointment of Review Officers for City of Brevard, seconded by Commissioner Chappell and unanimously approved.

(Resolution 06-2015 Appointment of Review Officers for City of Brevard is hereby incorporated by reference and made a part of these minutes.)

APPOINTMENT OF REVIEW OFFICER FOR TRANSYLVANIA COUNTY

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. April Alm has been hired to fill the Program Support Assistant position in Planning and Community Development. In order for her to be able to review and sign maps or plats brought to the County Planning and Community Development Department, a resolution designating her as a Review Officer must be approved by the County Commissioners.

Commissioner Lemel moved to approve Resolution 07-2015 Appointment of Review Officer for Transylvania County, seconded by Commissioner Chappell and unanimously approved.

(Resolution 07-2015 Appointment of Review Officer for Transylvania County is hereby incorporated by reference and made a part of these minutes.)

OLD BUSINESS

ECONOMIC DEVELOPMENT INCENTIVE POLICY

Commissioners held a joint meeting with the Transylvania Partnership for Economic Development (TPED) to learn about incentive policies from consultant Crystal Morphis and then participated in a facilitated discussion about what elements an incentive policy for Transylvania County should look like. Consensus was built around the following key elements:

- 1) That the policy be flexible enough to work with a wide range of economic development opportunities.
- 2) That there should be a requirement to meet or exceed the average County wage (average was used to be consistent with State certification of incentives).
- 3) To be consistent with the State incentive requirement regarding health coverage.
- 4) To support existing businesses in their expansion efforts and grow local entrepreneurial endeavors.
- 5) To reflect some preference for a company locating their headquarters locally.
- 6) To simplify the point system used in the scorecard format and include ranges on qualifying incentive percentages and years to give flexibility to the Commissioners during incentive negotiations.
- 7) That the policy is intended to be a starting place for negotiation, but is neither a guarantee of grants offered nor intended to be restrictive of Commissioners in making an incentive offer.

The Manager noted several modifications to the document were made following the joint meeting. This is a summary of the changes:

- Key elements change on the scorecard that determines how one receives points as a perspective company.
- Qualifying categories were simplified and made straightforward on establishing a minimum score.
- Options available include a range of years and a percent of new tax revenue that could be granted back.
- Extra points are primarily centered on whether the business is complementary to an existing business or a company headquarters.
- Another point system is based on the number of new jobs and the level of capital investment.

The Manager recommended Commissioners consider adopting the new Transylvania County Incentive Policy.

Commissioner Chapman moved to approve the Incentive Policy as presented. The motion was seconded by Commissioner Phillips. Each Commissioner expressed their thoughts on the proposed policy. Commissioner Chapman noted that some valid suggestions to the policy were made during public comment related to living wage and green jobs. He thought it might be useful for TPED to review the policy prior to adoption by Commissioners. Commissioner Lemel agreed with Commissioner Chapman's suggestion, especially being the new TPED Executive Director begins his duties next week. Commissioner Chappell thanked the Manager for pointing out that the wage structure was defined as it relates to the State incentive policy. Having to calculate based on two different figures would be cumbersome and an inefficient use of time. Commissioner Phillips pointed out that being LEED certified has not been found to be very efficient in recouping monies for what it costs to build in a LEED manner. He supports green building practices, but said the County needs to better define this in the policy. He also agreed it would be helpful for the new TPED Executive Director to review the policy. The Manager noted that the previous draft included points for LEED certification and it was removed from the final proposal. Chairman Hawkins thanked TPED and the Manager for the work they have put into developing the draft policy. He disagreed that the policy should be reviewed by TPED and was supportive of approving the policy. While the proposal is not a perfect document, he believes it is a good starting point. He suggested approving the policy with the understanding that Commissioners have concerns about a couple of items and they wish TPED to review the policy. Commissioner Chappell concurred with Chairman Hawkins and noted that the policy states it is meant to be a starting point and there is no guarantee of an incentive offer. He said Commissioners should view the policy as a living document.

Commissioner Chapman commented that Commissioners owe it to the new Executive Director of TPED to review the policy since it is Commissioners who are holding him responsible for economic development in this County. There were no further comments, and **Commissioner Chapman withdrew his motion.**

Commissioner Chappell moved to approve the incentive policy as presented and to direct the Manager to meet with new Executive Director of TPED to receive input. The motion was seconded by Commissioner Lemel. After brief comments, the motion passed by a vote of 4 to 1, with Commissioner Chapman voting against.

NEW BUSINESS

APPROVAL OF THE SYSTEM SAFETY PROGRAM PLAN FOR TRANSYLVANIA COUNTY TRANSPORTATION

The NC Department of Transportation, Public Transportation Division (NCDOT-PTD) in accordance with federal and State requirements, mandates that each transit system develop and implement a System Safety Program Plan (SSPP). As directed by the SSPP Standard Operating Procedure of the Public Transportation Division, a Safety and Security Specialist conducts System Safety Program assessments/inspections of the Community and Human Service Transportation Systems. The inspections provide the division an overall assessment of safety programs, condition and maintenance of equipment and personnel training status. The County's updated SSPP has been approved by NCDOT-PTD. Approval by the County Commissioners provides justification for the NC Department of Transportation to continue grant funding.

Commissioner Lemel moved to approve the System Safety Program Plan for Transylvania County. The motion was seconded by Commissioner Phillips. Support Services Director Keith McCoy thanked Yvonne Dickson in his department who was the point person on the project. He noted he decided to do this project in-house instead of contracting out the project. Commissioner Chappell thanked staff for the thoroughness of this document because it determines the County's funding levels. Mr. McCoy noted this project gave the department an opportunity to review all their programs, policies and procedures in an effort to provide services more safely to citizens. **The motion was unanimously approved.**

LAKE TOXAWAY COMMUNITY CENTER REQUEST FOR WASTE FACILITY

The Manager proposed a three pronged strategy for handling this request. One would be to fund a portable toilet from May through October which will cost between \$130 and \$150 monthly. She noted this would cross two fiscal years. The second point would be to explore with the Community Center a long term solution of utilizing electronic locks and making some slight modifications to the building to allow access only to the restrooms. The third strategy would be to request that Parks and Recreation determine through their strategic planning process whether or not to approach the Community Center about establishing a partnership with Parks and Recreation to either maintain or operate the park.

Commissioner Lemel moved to approve the allocation of funds for the purposes of providing a handicap accessible portable toilet at the Lake Toxaway Community Center. The motion was seconded by Commissioner Chapman. Commissioner Chappell asked for confirmation that the County provides \$1,200 in grant funds annually to each community center to use at their discretion. The Manager confirmed. Commissioner Chappell felt that the funds to cover the cost of a portable toilet should come from those grant monies allocated to the Community Center. Furthermore, if the grant amounts need to be adjusted, Commissioners should discuss this during the upcoming budget sessions. Commissioner Lemel stated that Lake Toxaway Community Center is a very distinct and unique operation compared to other community centers because of the amenities and services provided there in the community. Commissioner Chapman supported the request for the reasons Commissioner Lemel mentioned and also

supported exploring a long term solution. Commissioner Lemel asked the Manager, if approved, to draft a memorandum of understanding regarding the use and placement of the portable toilet so both parties can be clear on responsibilities. In response to Commissioner Chappell, she noted how engaged the community centers were during the County's Sesquicentennial and she felt that the County should be an active partner in allowing these community centers to thrive and provide services for their communities. Commissioner Chappell expressed appreciation for the services provided and all the work that goes on in the community centers. He said his concern is the budget. Commissioner Phillips agreed with Commissioner Chappell's concerns about the budget. He stated that should any one of the community centers have a problem at any time of the year he hopes the County would be able to assist them. Chairman Hawkins reminded Commissioners that the County has offered financial assistance outside of the annual grant allocation to community centers in the past. **The motion passed unanimously.**

MANAGER'S REPORT

The Manager updated Commissioners on the following:

1. The Strategic Plan meetings went well. Commissioners should receive an update soon on the stakeholder input.
2. Evaluating Courthouse for structural concerns. More information from the structural engineer is forthcoming this week. For now we have vacated a section of the Courthouse and will know if other areas need to be vacated after we receive information from the engineer.
3. Building Permitting Director Mike Owen received his state certification level 3 in all trades and we are very proud of him.
4. The US Forestry Plan update is planned for the 2nd meeting in April. She invited questions and comments from Commissioners prior to the meeting so staff can guide the presentation to focus on what Commissioners' interest level is in certain areas.
5. Representative Whitmire is introducing a bill regarding the State Health Plan that includes Transylvania County. She said there is no intention of Transylvania County pursuing the State Health Plan this fiscal year.

PUBLIC COMMENT

Edwin Jones: Mr. Jones asked for clarification that the Lake Toxaway Community Center representative requested the County to cover the cost of a portable toilet for one year, yet Commissioners only approved the request through October. By a nod in the affirmative, Commissioners confirmed his inquiry. Mr. Jones reported an area of concern to him. He said an EMS call went out recently and the traffic lights were not adjusted to stop traffic in front of the EMS station. This caused a lot of confusion to motorists. He suggested the installation of a white halogen strobe light to get the attention of drivers.

COMMISSIONERS' COMMENTS

Commissioner Chappell thanked all those who attended the meeting tonight. He gave a special thanks to the youngest citizen in the audience, Sheriff Mahoney's son.

Commissioner Chapman reported that he and Commissioner Lemel are planning to attend a course offered by the School of Government to learn about the County's role in public education. Commissioner Lemel noted they are both attending on scholarship. She thanked the Clerk to the Board for her efforts in seeking scholarships for their educational opportunities.

Commissioner Lemel reported on her County Commissioner work since the last meeting. She attended a strategic planning session of the North Carolina Association of County Commissioners last week at the Enka campus of AB Tech. She also had lunch with Vaughn Upshaw and Lydian Altman with the UNC School of Government. They are assisting with and interested in the work that she and others are working

on to create effective citizen advisory councils. The School of Government intends to use the County's work to develop a webinar program for training purposes. Commissioner Lemel also had lunch with Board of Education member Betty Scruggs in preparation for the School of Government course she is attending next week. She continues her pursuit of early childhood issues and there will be more information to come on this topic. Commissioner Lemel participated in a breakfast meeting with Carolina Mountain Land Conservancy to learn about their program, goals and mission to conserve land while preserving tax base.

At the request of Commissioners, the Manager reported on her weekend in Raleigh where she participated on a panel talking with students about utilizing their degree similar to hers and possible career choices. She talked about her experience as a Town Manager in Mills River and now County Manager. Commissioner Chapman stated the Manager is recognized across this State for her abilities and she should feel proud. Commissioner Lemel added that the feedback from the Manager's recent presentation at the Democratic Women's Club was outstanding. Chairman Hawkins encouraged everyone to participate in one of the Manager's presentations.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (5) to establish or instruct staff or agent concerning the negotiation of the price and/or terms of a contract concerning the acquisition of real property, after a 5 minute recess. The motion was seconded by Commissioner Chapman and unanimously carried.

CLOSED SESSION

Per NCGS 143-318.11 (a) (5) to establish or instruct staff or agent concerning the negotiation of the price and/or terms of a contract concerning the acquisition of real property, closed session was entered into at 8:45 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Lemel and Phillips, Manager Laughter, County Operations Manager David McNeill, Finance Director Gay Poor, County Attorney Tony Dalton and Clerk to the Board Trisha Hogan. Commissioners held the closed session meeting in the Arthur C. Wilson, Jr. Conference Room.

Staff presented Commissioners with a proposal to purchase property for the purposes of constructing an EMS substation. Commissioners discussed the proposal at length and directed staff on how to proceed.

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

OPEN SESSION

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

ADJOURNMENT

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

ATTEST:

Mike Hawkins, Chair
Transylvania County Board of Commissioners

Trisha M. Hogan, Clerk to the Board