

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING- January 8, 2007**

The Board of Commissioners of Transylvania County met in regular session on Monday, January 8, 2007 at 7:00 p.m. in the large courtroom of the county courthouse. Chairman Jason Chappell presiding called the meeting to order at 7:00 p.m.

Commissioners present were: Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed and Vice-Chairman Kelvin Phillips.

Staff Members present were: Manager Artie Wilson, County Attorney Jeanne Hall, Project Manager Larry Reece, Library Director Anna Yount, Economic Development Director Mark Burrows, Board of Elections Director Judy Matthews, Captain Eddie Lance, Deputy Jeff Hubbard, and Recording Secretary Trisha McLeod

Media: *Transylvania Times*- Carleigh Knight  
*Times News*- Jonathan Rich

**WELCOME**

Chairman Chappell welcomed Trisha McLeod, Clerk to the Board, to her new position and thanked Sherry Simpson for all her hard work during the interim period.

**PRAYER**

Commissioner David Guice offered the invocation.

**PLEDGE OF ALLEGIANCE**

Vice-Chairman Kelvin Phillips led the Pledge of Allegiance.

**PUBLIC COMMENT**

The following members of the audience addressed the Commissioners:

Keith Keller addressed the Commissioners regarding the Rise and Shine Program and asked the Board to consider funding this program in the future. Chairman Chappell noted that all funding issues and requests will be considered during the budget workshop sessions.

James Keenan addressed the BOC reference 3 topics: 1) RFP on Flood Plain Study 2) Energy Conservation Study on Jail 3) Economic Development Grant. Mr. Keenan asked County Manager Artie Wilson the status of the Flood Plain Study RFP. Mr. Wilson explained this was on the agenda for the meeting and the Commissioners would be voting on whether or not to accept the proposal. Secondly, Mr. Keenan suggested the county

look at getting an Energy Conservation Grant for the new Jail Facility. Mr. Wilson explained the county has been working with contractors to be LEED certified and on the agenda for this meeting is a grant application to address water conservation issues in meeting the City of Brevard's UDO. Commissioners will vote whether or not to apply for a grant for \$35,000 to help with some work at the new facility. Lastly, Mr. Keenan had questions concerning an Economic Development Grant but had already spoken with Economic Development Director Mark Burrows and was satisfied with the answers he had received.

No other citizens addressed the Board.

### **AGENDA MODIFICATIONS**

Manager Wilson reported on the Agenda Modifications requested. Under Appointments Item B, Rural Planning Organization Transportation Advisory Committee Appointment was added. Under New Business Item G, Purchase of Real Property and Item H, Grant Application for the Sheriff's Department were added. The Manager's Report was moved to Item I. The Manager also added Item XII, Closed Session per NCGS 143-318.11 (a) (5), Potential Purchase of Real Property. There were no other agenda modifications.

**Chairman Chappell moved to approve the agenda as amended, seconded by Commissioner Lynn Bullock and unanimously approved.**

### **CONSENT AGENDA**

The following items were approved:

#### MINUTES:

The minutes of the December 11, 2006 regular meeting were approved as submitted.

#### FACILITIES USE REQUESTS:

The use of Varsity Street Parking by Walt Weber for Unitarian Universalists of Transylvania County Church Services on Sundays in 2007 from 9:30 a.m.-12:30 p.m. was approved.

The use of Silvermont by Emory Owen/City of Brevard for the Relay for Life Fund Raiser Motorcycle Ride on May 5, 2007 from 8:00 a.m. to 3:00 p.m. was approved.

**Commissioner Kelvin Phillips moved to approve the Consent Agenda as presented, seconded by Commissioner Lynn Bullock and unanimously approved.**

### **PRESENTATIONS/RECOGNITION**

Chairman Chappell presented library staff with the Outstanding New Library Facility Award. Manager Wilson explained that recently the NC Public Library Directors' Association recognized the new Transylvania County Library with the Outstanding New

Library Facility Award for the buildings 26,000 square feet or more. The new buildings were judged according to the following criteria: functionality of the building, incorporation of new technologies, appealing interior design, well designed furnishings and shelving, the cost ratio per square footage, creativity and design, enhancement of surrounding environment, adequate parking areas, and lighting and signage. Ms. Anna Yount, Mike Shelley, David Watkins and Library Board members accepted the award from Chairman Chappell. Chairman Chappell thanked them for all their hard work.

Library Staff and Library Board members commented that this award is a reflection of the wisdom of the governing bodies of this county for quite a number of years. They are appreciative of the Commissioners' ongoing support of the library and things they are accomplishing. Chairman Chappell noted that Transylvania County is blessed with a wonderful facility and thanked the Library Board and staff for their hard work.

### APPOINTMENTS

#### TRANSYLVANIA NATURAL RESOURCES COUNCIL:

The terms of Morris Denton, Mac Morrow, Larry Ragsdale and John Witherspoon are expiring and all are willing to serve another term. The Transylvania Natural Resources Council provided recommendations to fill some unexpired terms. The recommendations are Susan Brown, Thomas Dierolf, Bill Thomas and Bruce McDonald.

**Commissioner David Guice moved to reappoint Morris Denton, Mac Morrow, Larry Ragsdale and John Witherspoon, seconded by Commissioner Kelvin Phillips and unanimously approved.**

**Commissioner Kelvin Phillips moved to appoint Susan Brown to fill the unexpired term of Kit Garren, seconded by Commissioner David Guice and unanimously approved.**

**Commissioner David Guice moved to appoint Thomas Dierolf to fill the unexpired term of Harry Hafer, seconded by Commissioner Lynn Bullock and unanimously approved.**

**Chairman Chappell moved to appoint Bill Thomas to fill the unexpired term of Terrell West and to appoint Bruce McDonald to fill a vacated position, seconded by Commissioner Kelvin Phillips and unanimously approved.**

#### RURAL PLANNING ORGANIZATION TRANSPORTATION ADVISORY COMMITTEE APPOINTEE:

**Commissioner Kelvin Phillips moved to appoint Commissioner Daryle Hogsd to the Transportation Advisory Committee, seconded by Chairman Chappell and unanimously approved.**

## NEW BUSINESS

### RESOLUTION TO REQUEST ASSISTANCE FOR WATER RESOURCES DEVELOPMENT AT THE NEW PUBLIC SAFETY FACILITY

Eric Caldwell with Cooperative Extension requested a resolution from the Commissioners to pursue a grant from the Division of Water Resources for \$35,000 to work towards soil and water containment at the new Public Safety Facility. The Grant requirement includes a resolution from the County Commissioners.

**Commissioner David Guice moved to approve Resolution 33-07, seconded by Commissioner Lynn Bullock and unanimously approved.**

For the public's information, Chairman Chappell asked Commissioner Kelvin Phillips to read Resolution 33-07 Requesting Assistance for Water Resources Development Project. (Attachment as part of the minutes)

### NCACC LEGISLATIVE GOAL- ENVIRONMENT 6. LAND FOR TOMORROW

Manager Wilson reported that recently the NCACC sent out the 2007-2008 Legislative Goals that will be presented in Pinehurst on January 11-12, 2007. One of their environmental goals is to support legislative appropriations and/or bond funding to protect the state's land, water and special places before they irreversibly are lost by increasing funding to the state's existing conservation trust funds which provide grants to land and water conservation projects in every county. While this is worthy goal, there seems to be some conflict of interest by taking thousands of acres off of tax rolls. Ultimately this could result in higher property taxes for our citizens. The NCACC recognizes this issue as controversial. The only way this goal can be revised or defeated is by a vote of the delegates at the January 11-12 conference. Carroll Parker of Farm Bureau will be addressing the Commissioners about their concerns.

The Legislative Oversight Committee met recently in Asheville to discuss their draft proposals. The Legislative Oversight Committee does not address the allocation of conservation funds. Land for Tomorrow is a committee that is actually looking at how funds should be allocated and proposing how the funds should be distributed. The proposed one billion dollars necessary over a five year period would be raised from bonds or additional taxes.

Carroll Parker of Farm Bureau addressed the Commissioners. Farm Bureau is very supportive of the concept of Land for Tomorrow. He reported that by the year 2030, the population of North Carolina is expected to double and become the 7<sup>th</sup> largest most populous state in the union. With that comes the consequences of needing recreational areas, clean water and farming. An article in today's Asheville Citizen Times talks about the loss of agriculture land, particularly dairies, in North Carolina. Mr. Parker believes at the rate this state is losing farms, by 2030 North Carolina may face the prospect of getting its milk from Wisconsin or California. North Carolina loses 100,000 acres per year. He understands that homes are needed but also expressed the need for clean water

and green space. Mr. Parker reported 71% of the farmers that were polled in North Carolina said the only people offering money for their land is developers, not other farmers. The average age of farmers keeps increasing and the only retirement a lot of them have is in selling their property.

Farm Bureau is asking the Commissioners to send a representative to the convention. One of the proposals for funding or paying for the bond issue is to impose a fee for withdrawing water from surface or groundwater which will greatly impact farmers and particularly trout farmers. Another proposal is to add a deed stamp tax for developers acquiring land for development, which could make it more difficult for the average man to buy a house due to the increased cost. Farm Bureau is requesting the following questions be raised at the convention: 1) how will the conservation and preservation of lands will be funded 2) what will be the impact on the counties, its tax rolls and its citizens 3) how will the funding be allocated 4) will Western North Carolina counties be receiving its share of the funding for preservation 5) where would the land be acquired 6) who is going to pay for managing the public lands. These questions have not been answered in any of the proposals. Mr. Parker reported that the Farmland Preservation Trust Fund has not received any money in the past two (2) years and other conservation funds have been receiving monies from different sources. He believes more money should be available for preserving farm land.

Chairman Chappell noted the NCACC conference will be held Thursday and Friday in Pinehurst. They will be discussing the goals on both days of the conference and vote as they go through them. Mr. Wilson expressed that by sending a representative to the conference we will have an opportunity to respond to the Legislative Commission. With the concerns that have been raised, Mr. Wilson suggested that Chairman Chappell prepare a letter to send to the commission about those concerns and ask the commission to please address and answer these concerns before their draft report is finalized. Chairman Chappell said he would draft a letter with the Board's permission. Commissioner Lynn Bullock volunteered to attend the conference in Pinehurst on Thursday and Friday.

Chairman Chappell thanked Farm Bureau and Carroll Parker for bringing this issue to the Board. Commissioner Daryle Hogsed pointed out that we need to keep track of this issue and we should be working with Representative Trudi Walend and Senator John Snow to help address these issues and help in influencing the outcome of what the funding mechanisms may be.

#### REGIONAL CLEARING HOUSE-GORGES STATE PARK

The Board of Commissioners has received a request from the Land Of Sky Regional Council, Regional Clearing House, to discuss a proposed project dealing with Gorges State Park. They are proposing to build new facilities at the Gorges State Park including a Visitor's Center and a main entrance on NC 281. They will also need to provide a maintenance area for the park's seasonal employee's barracks, trailhead parking, a family campground, camp trailer and recreational vehicle camping areas, picnic areas, a permanent ranger residence and additional hiking trails and overlooks. LOSRC is asking

each of the surrounding counties for their input. We are requesting the Commissioners respond to LOSRC in a letter endorsing this project because we think it will be very valuable to Transylvania County, especially since tourism is one of the key economic development building blocks in our community. These improvements will enhance Gorges State Park and bring more visitors to the community and therefore improve the local economy. The Commissioners received a packet of information that included the environmental impact studies and data and additional information on Phase II of the project that addresses the need for the Frozen Creek entrance. Also Commissioners received a draft letter that will be sent to the LOS Regional Council with the Board's approval.

**Commissioner David Guice moved that the Commissioners support the project and proceed with sending the drafted letter to the LOS Regional Council, seconded by Commissioner Kelvin Phillips and unanimously approved.**

#### REQUEST TO USE ROGOW ROOM

Ms. Honey Kirila requests to use the Rogow Room at the Transylvania County Library for an informational session entitled "Healthy for Life" on February 2, 2007 from 6:30 p.m. to 8:30 p.m.

**Daryle Hogsed moved to approve the use of the Rogow Room for Ms. Honey Kirila for February 2, 2007 from 6:30 p.m. to 8:30 p.m., seconded by Commissioner David Guice and unanimously approved.**

#### FLOODPLAIN STUDY PROJECT

In conjunction with the City of Brevard, Transylvania County sent out an RFP and received 3 valid proposals from Carter and Burgess, Inc, MacConnell and Associates, and Martin-McGill. The planning staff of both the city and county and the 2 managers reviewed the 3 proposals. After review, Martin-McGill was selected as the lowest qualified bidder. Martin-McGill will be assembling a Project Oversight Group (POG) which will complete the proposed study in 5-6 months. Membership for the POG would be approved by the Board of Commissioners and Brevard City Council. Brevard City Council will review this issue at their next meeting. The Manager suggested the Board of Commissioners consider Martin-McGill as the lowest qualified bidder and proceed with the floodplain study project. The City of Brevard has agreed to pay 50% of the costs.

Commissioner Kelvin Phillips asked how the floodplain study will provide answers to questions concerning the ETJ. Manager Artie Wilson explained the ETJ is under the control of City and is a zoning issue. The floodplain study addresses the impact that the UDO is having on development in the county but it would not address the issue about zoning.

Commissioner David Guice believed some of the concerns that were expressed were from the college, the hospital and other businesses and property owners. The county met with concerned citizens, property owners and leaders in the community prior to moving in this direction and it was through their desire that the Board of Commissioners moved

in the direction of this study to try get some understanding of these issues and of the impact on the entire community.

**Commissioner David Guice moved that the Board award the contract to Martin-McGill with the project not to exceed \$42,000, with the City of Brevard agreeing to pay 50% of the cost, seconded by Commissioner Lynn Bullock and unanimously approved.**

#### LEGISLATIVE LIAISON

The North Carolina Association of County Commissioners is requesting that all 100 counties appoint one county commissioner as its Legislative Liaison. This liaison will serve as a conduit of information between the Association (via District 16 Director Charlie Messer of Henderson County) and the Board of Commissioners. Responsibilities will include:

- Ensuring other county commissioners are aware of legislative developments concerning issues of importance to counties;
- Placing items of statewide importance on County Board of Commissioners agendas to generate discussion and elevate public awareness;
- Providing a local voice that local media can rely upon for information on legislative issues;
- Setting up or making sure regular meetings with local legislators are taking place;
- Providing feedback to your county's Association District Director on what local legislators, fellow Board members, other officials and the general public are saying about bills and issues, and what issues are elevated in our county.

**Commissioner Daryle Hogsed moved to nominate Commissioner Lynn Bullock as the Legislative Liaison to the NCACC, seconded by Commissioner David Guice and unanimously approved.**

#### PURCHASE OF REAL PROPERTY

For several months the County has been looking at opportunities to increase parking for the Social Service and Community Service Buildings. The County has negotiated an offer to purchase a tract of property located on Johnson Street owned by Ann Davis Swangim and Betty Sue Parker. Based on the preliminary information and drawings, the county can construct a parking lot that will allow a gain of 65 parking spaces. The purchase price of the property is \$250,000. The estimated cost of the parking lot is \$189,000. The County Commissioners have been in discussion with the city of Brevard to help with the construction and purchase of the property and they would be able to use the parking for events and overflow parking on the weekends. The County has obtained an offer to purchase and the contract and has been signed by Ms. Swangim and Ms. Parker. The County looked at how this project would compare with the cost per parking space versus a parking deck and found that the cost of purchasing the property and constructing a parking lot is considerably less than building a parking deck. The Manager noted that in the last four years, the County has lost 41% of its parking spaces. It continues to become more and more crucial that we have the parking spaces that we need for our facilities.

Chairman Chappell thanked Commissioner Kelvin Phillips for his initial recommendation to approach the City of Brevard to work out a joint deal about parking.

**Commissioner Kelvin Phillips moved to approve the purchase of the Swangim-Parker property, seconded by Commissioner David Guice and unanimously approved.**

#### GRANT APPLICATIONS- SHERIFF'S DEPARTMENT

The Sheriff's Department is requesting permission to apply for two grants through the Governor's Crime Commission. The first grant is for a Domestic Violence Investigator to address domestic violence cases. The grant is for \$66,824 with a 20% in kind match. The in kind match will be in the form of volunteers assisting the investigator by doing paper work, calling victims, preparing for court, and working with SAFE and other agencies. If funding goes away the position is eliminated. The second grant is a \$9,000 equipment grant with a 25% match to be absorbed in the 2007-2008 budget.

Captain Eddie Lance of the Sheriff's Department addressed the Board. There are 2 different grants they are asking permission to apply for. The second grant is an equipment grant in the amount of \$9000 that requires a 25% match that they will absorb in their 07-08 budget. They initially had planned to apply for a drug tracking software grant but after talking with the Drug Task Force it appears the software they currently have can be upgraded for a small amount of money and it would meet their needs. They are still asking to apply for the \$9,000 equipment grant and at this time they're still discussing what kind of equipment that they want to purchase.

The first grant is for a Domestic Violence Investigator. Over the last couple of years, Captain Lance, the Police Department, SAFE, DSS, The Children's Center and many other agencies have come together once a month to discuss the issue of family violence and domestic violence. It continues to be a huge problem in Transylvania County. Domestic violence impacts not only the victim but the children. In 2005, there was a 12% increase in domestic violence and in 2006 a 20% increase in domestic violence. These figures are just Sheriff's Department calls and do not include the Police Department. If approved, the Domestic Violence Investigator would take the report, conduct an investigation and develop a case using evidence-based prosecution. Many times in domestic violence cases, the victims are too afraid to pursue prosecution or will not seek prosecution for fear of the consequences. With evidence-based prosecution, the Domestic Violence Investigator would build a case by interviewing the children, the victim, neighbors, etc. to present to the prosecutor and prosecute without the victim if the victim failed to show or couldn't show or refused to cooperate. The Victim Advocate would assist the victim during the course of the investigation.

Commissioner David Guice noted the importance of the collaborative effort involving many agencies in the community that deal with domestic violence issues, i.e. the District Attorney's office, Law Enforcement Agencies, SAFE, Probation/Parole and many others.

Captain Lance explained the Domestic Violence Investigator would start building a case from day one and hopefully get the victim and the aggressor help. The Sheriff's Department's goal is to increase the number of prosecutions and hope the number of domestic violence cases decreases. They also hope people, especially aggressors, will begin to use the services at SAFE and find ways to react to situations without using violence.

**Commissioner Kelvin Phillips moved the Board grant permission to the Sheriff's Department to proceed with the grant applications with the included provisions, seconded by Commissioner Daryle Hogsd and unanimously approved.**

#### MANAGER'S REPORT

The commissioners received a letter inviting them to attend the Henderson County Board of Commissioners meeting next Wednesday, January 17, 2007 at 9:00 a.m. where they will be discussing the operation of Blue Ridge Community College.

The DOT is planning an update meeting on NC 215 in February. The Manager will get the Commissioners some additional information on that as soon as he can.

The Secondary Roads Meeting is scheduled for February 7<sup>th</sup>, 2007

#### **PUBLIC COMMENT**

A member of the audience thanked Commissioner Lynn Bullock for volunteering to attend the NCACC convention in Pinehurst on Thursday and Friday of this week.

No other public comments.

#### **COMMISSIONERS' COMMENTS**

Chairman Chappell expressed his sympathy to Kay Parker and family for the loss of her father.

#### **CLOSED SESSION**

There being no further business before the Board, **Chairman Chappell moved the Board will go into closed session per NC GS 143-318.11 (a) (5) Potential Acquisition of Real Property after a 5 minute recess. Those to attend: County Manager, County Attorney, Mark Burrows, Clerk and all Commissioners. Commissioner Kelvin Phillips seconded the motion and it was unanimously approved.**

Chairman Chappell called the closed session to order after a 5 minute recess.

The Commissioners met in closed session to discuss the potential acquisition of two tracts of property owned by Mr. Ken Allison that is under contract by Mr. Eddie Madden

After discussion, the consensus of the Commissioners was not to pursue this matter any further.

**Chairman Chappell moved to re-enter open session, seconded by Commissioner Kelvin Phillips and unanimously approved.**

**OPEN SESSION**

The Board re-entered open session.

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

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Jason R. Chappell, Chairman  
Transylvania County Commissioners

ATTEST:

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Trisha McLeod, Clerk to the Board