

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING – June 19, 2006**

The Board of Commissioners of Transylvania County met in regular session on Monday, June 19, 2006, at 7:00 p.m., in the large courtroom of the county courthouse. Chairman David Guice, presiding, called the meeting to order at 7:00 p.m. There were approximately 70 people in the audience.

Commissioners present were Chairman David Guice, Commissioners Jason Chappell, Jeff Duvall, Ray Miller and Kelvin Phillips.

Staff members present were Manager Artie Wilson, Attorney David Neumann, Finance Director Gay Poor, Chief Deputy Jeff Hubbard, Personnel Director Sheila Cozart, and recording secretary Sherry Simpson. There were several commissioner candidates present.

Media: *Transylvania Times* – Stephen Sacco, *Hendersonville Times-News* – Jonathan Rich, *WLOS representative*

Following an introduction of the members of the board by Chairman Guice, Chairman Guice offered the invocation and Commissioner Duvall led the Pledge of Allegiance.

**PUBLIC HEARINGS**

**TRANSYLVANIA COUNTY SOLID WASTE PLAN UPDATE**

The first public hearing was to present the 10 year Solid Waste Plan update:

- 1) The State mandates that every 3 years we must submit a plan to the State by the end of June.
- 2) There has been a 10% increase in amount of waste in the county each year. As of March 2005 the landfill began placing waste into Phase IV. This phase was to last for 5 years, but due to the increase in waste generated in the county, this phase will only last 4 years.
- 3) This report also addresses our rate of recycling or reduction rate. The State has set a goal for each county to reduce the amount of waste by approximately 40%. The county averages over 7 lbs of trash per day, per person and of that we only recycle 1 lb.
- 4) The City of Brevard recently re-started their recycling program. The schools are recycling paper in the classrooms. Currently our recycle rate is 18%. The State would like that to be 30%.
- 5) The landfill recently started and electronics recycling program for televisions, computers, etc with a fee for disposal.

Chairman Guice asked if there was any public comment.

- 1) Lynn Bullock asked if the county had considered an incinerator. Manager Artie Wilson replied that it has been looked into, but that it was very expensive and not cost effective. Commissioner Phillips also responded that we do not generate enough waste to run an incinerator at full capacity, but we could contract with other counties in order to generate enough waste to run at full capacity. Commissioner Miller commented that it would take tremendous cooperation between county governments to ever achieve and that it is too expensive for us to do alone.

Following the comment period, the chairman declared this public hearing closed at 7:27pm.

**PROPOSED FY 2006-2007 BUDGET FOR TRANSYLVANIA COUNTY**

Chairman Guice welcomed the audience and explained that this was a public hearing to receive comments on the proposed budget for FY 2006-07. He reported that the total proposed budget is \$47,175,629 and is made up as follows:

**Proposed FY 2006-2007 Budget**  
**Transylvania County**

Notice is hereby given that the Transylvania County Budget Proposal for Fiscal Year 2006-2007 is available for public inspection in the office of the Clerk to the Board of Commissioners, County Administration Building, 28 East Main Street, Brevard, weekdays 8:30 AM to 5:00 PM.

A public hearing will be held on the budget proposal on Monday, June 19, 2006, 7:00 PM in the large Courtroom of the

County Courthouse. Home and Community Block Grant Funds will be reviewed at the public hearing. All interested citizens will have the opportunity to give written and oral comments regarding the budget proposal and Home and Community Care Block Grant funds. The budget will be approved at the regular meeting on June 26, 2006, 7:00 PM, large courtroom.

Senior citizens are encouraged to attend and comment. Any handicapped persons needing assistance or aid should contact the Administration Office (884-3100) prior to the meeting.

**BUDGET PROPOSAL  
FISCAL YEAR 2006-2007**

---

**General Fund**

General Government	\$ 5,927,013
Public Safety	\$ 6,762,533
Economic & Physical Development	\$ 1,395,638
Human Services	\$ 9,761,744
Culture & Recreation	\$ 1,484,730
Education	\$ 12,097,911
Transfers to Other Funds	<u>\$ 322,739</u>
 Subtotal - Total Operational Budget	 \$ 37,752,308
 Transfer to BRCC Applied Technology Building	 \$ 1,247,738
Transfer to Reserve for Cell #5	\$ 930,432
Transfer to Capital Project Fund	\$ 635,408
Transfer to Reserve for Economic Development	<u>\$ 150,000</u>
 <b>Total General Fund</b>	 <b>\$ 40,715,886</b>

**Other Funds**

Law Officers' Separation Fund	\$ 56,807
Community Development Block Grant	286,500
Occupancy Tax	276,600
Revaluation	115,308
Self-Insurance	2,123,526
Fire Districts	1,625,441
Solid Waste	2,732,746
General Capital Projects	3,381,851
School Renovations (QZABs)	1,100
Emergency Telephone System	273,643
	-
New Library Construction	0-
Silvermont	\$ 44,900
 Total Other Funds	 10,918,422
 Less Inter-Fund Transfers	 4,458,679
	 \$
<b>Total All</b>	<b>47,175,629</b>

### **Sylvan Valley Fire Service District**

Etowah-Horseshoe Fire Tax – Current Year	\$ 3,000
Brevard Fire Tax – Current Year	146,119
Rosman Fire Tax – Current Year	234,399
Little River Fire Tax – Current Year	258,545
Connestee Falls Fire Tax – Current Year	326,385
Cedar Mountain Fire Tax – Current Year	145,159
Lake Toxaway Fire Tax – Current Year	370,220
Balsam Grove Fire tax – Current Year	78,093
North Transylvania Fire Tax – Current Year	\$ 103,461

**Total Fire Districts** **\$1,665,381.00**

Chairman Guice called for comments from the public. The following comments were received:

- Mr. Bob Hesseltien of Pisgah Forest asked what is included in the capital projects amount of \$635,408. County Manager Wilson replied that the funds in the capital projects line item were the second portion of funds designated for the renovation of the old library building.
- Mr. James Keenan asked about a comparison between last years' budget and the budget for this year. County Manger Wilson replied that there was an 8.6% increase from last year. One of the biggest factors that influenced that was approximately a 5% increase in budget for a 3% COLA and a 1.78% pay for a merit pay increase for county employees, new benefit for Retiree Health Insurance. Gas increases of 3% accounts for the \$150,000 contingency line item. This allows for a cushion being as we do not know what gas prices will be. The school system also had a 9% increase in their budget. This is heavily influenced by what the state is doing and basically a mandate from the state. Chairman Guice stated that we are also mandated to pay a portion of Medicaid costs, which have increased 20% to 27% since 2001.
- Page Lemel asked if the \$1.6 million in the budget was inclusive of the City of Brevard Fire Department or if is handled separately. If so, how much is going to the City of Brevard? County Manager Wilson replied that it does include the City of Brevard's for the Sylvan Valley Fire District. It is an increase over last year for the City of Brevard, mainly looking at the pre-planning. They are looking at having paid part-time staff which is included as well as the installation of 12 dry fire hydrants next year.

Following the comment period, the chairman declared this public hearing closed at 7:43pm.

#### **PUBLIC COMMENT (sign-in required)**

Ms. Alice Saunders shared with the commissioners her concerns about the noise and air quality at her home in Sapphire. Carlton Construction has opened a sawmill type facility cutting lumber and creating a great deal of sawdust and noise. There are piles of sawdust at least 7' high (she presented photos showing the piles). She also shared that they are preparing to install 2 more saws under a shed roof. The noise from the one is already horrible and it will now be tripled. Such a facility should not be allowed so close to an established residential area.

Ms. Betsy Deutschman also spoke to the commissioners regarding the same subject. She also spoke about the piles of sawdust and the mess it is creating on Bear Wallow Rd.

Joann Brooks stated that her concern was the waste. She said that they are burning a lot of the waste and is concerned about whether the wood is chemically treated.

Ms. Jean Wish (81 years of age) also spoke to the commissioners about the problems with the sawmill. This problem affects her a little more as it is only about 8 feet from her wash house and 15-20 feet from her bedroom. She said that today the pile of sawdust is 7' high at the top and a wide sprawl. There is no cover to prevent the sawdust blowing about the neighborhood. It is adversely affecting their neighborhood and property values. Personally she feels it shows a complete disregard for others in the neighborhood. She can no longer hang out her laundry or take naps in the afternoon and now has to wear protective eyeglasses and a large brim hat just to walk out to get her mail. She also shared several pictures with the commissioners.

Mr. Bob Byrd (son-in-law to Alice Saunders) spoke about his concern regarding the sawdust blowing around the neighborhood and the noise. He wondered as to whether or not the wood has been treated as well. The spread of the sawdust was about 140' down the lane.

Ms. Ann Byrd (daughter to Alice Saunders) also shared some thoughts on the situation on Bear Wallow Rd. with Carlton Construction. She mentioned that this is a small close nit community. The lots are not large or spread out, but close together and have been there for in some instances 46 years.

Chairman Guice stated that they will be looking at this issue more closely. He stated that Steve Smith, Health Department Director is still waiting on a reply from the NC Division of Air Quality. Steve Smith did say that he had met with Mr. Galloway (owner of the building) seemed very receptive to improving the noise and sawdust situation. Chairman Guice stated that he would also like to involve Mark Burrows, Economic Development Director in this.

Ms. Nilsa Lobdell, Joint Historic Preservation Committee chairman spoke to the issue of the artifacts which are currently stored in the basement of Silvermont. There are many that can not be housed in the new library facility due to space restrictions. The Joint Historic Preservation Committee has been approached by the Jim Bob Tinsley Museum concerning loaning these artifacts to the museum. They would be in a much safer environment and would be able to be seen by the public. She requested that the commissioners allow the JHPC to loan these artifacts to the museum.

Ms. Page Lemel came forward to thank the commissioners for their support of the Brevard Fire Department.

Mr. James Keenen of Brevard asked how the county is progressing with the city on floodplain management discussions with the City of Brevard and what is the status of floodplain mapping in the county. The manager replied that the RFP has been written and will go before the City Council tonight, June 19, 2006. Once that happens it will come before the commissioners on Monday, June 26, 2006. The mapping will be occurring shortly in Western North Carolina.

#### **AGENDA MODIFICATIONS**

There were no modifications made to the agenda.

**Commissioner Duvall moved to approve the agenda, seconded by Commissioner Chappell and unanimously approved.**

#### **CONSENT AGENDA**

**Commissioner Chappell moved to approve the consent agenda as submitted, seconded by Commissioner Phillips and approved unanimously.**

The following items were approved:

APPROVAL OF MINUTES: Minutes from the May 16, 2006 joint meeting of the Board of Commissioners and the Board of Education and the May 22, 2006 regular meeting were approved as submitted.

FACILITIES USE REQUESTS: Commissioners approved the following facilities use requests:

- Use of Silvermont by the Transylvania Community Hospital Auxiliary on December 16, 2006, for Auxiliary Volunteers recognition event.
- Use of the Gazebo by Carson Griffin for the Annual Toy Run on September 30, 2006. This was previously approved for the wrong date of October 30, 2006 and corrected at this meeting to the correct date of September 30, 2006.
- Steps of the old library by Brevard/Transylvania County Human Relations Council on July 4, 2006 for the annual 'Take the Pledge' event.
- Transylvania County Parks & Recreation Center for May 18-19, 2007, for Relay for Life of Transylvania County.

#### **PRESENTATIONS/RECOGNITIONS**

##### RESOLUTION HONORING DETECTIVE SERGEANT RITA SMITH

Detective Sergeant Rita Smith will be retiring on August 1, 2006. Chairman Guice stated that it has been an honor to work with Rita in the law enforcement community for some 30 years. It is very rare to have worked side by side with someone and then be able to present them with such recognition. Chairman Guice then read Resolution 11-06 honoring Rita. She was presented with the Resolution by Sheriff Geoff Shepherd.

**Commissioner Duvall moved to approve Resolution 11-06, seconded by Commissioner Miller and approved unanimously.**

**Commissioner Duvall moved to allow Detective Sergeant Smith to keep her badge and duty weapon with no cost to her upon her retirement, seconded by Commissioner Chappell and approved unanimously.**

## **APPOINTMENTS**

### JUVENILE CRIME PREVENTION COUNCIL

**Commissioner Chappell moved to re-appoint Barry Beavers, Rick Pangle and Steve Smith to the JCPC, seconded by Commissioner Phillips and approved unanimously.**

## **OLD BUSINESS**

### PUBLIC SAFETY FACILITY

There was a brief presentation by Moseley Architects to update on the Public Safety Facility. They are in the later stages of the design and development phase. In the next month or so they will be entering the contracting document, which will be the preparation of the documents for bidding. The work is progressing on schedule and they are working for a bid date of early 2007 and a two years construction cycle with an estimated completion date of June 2009. The facility will open with 114-126 beds and a facility core of 300+. They shared a drawing which shows the citing of the facility on the property, how the roads will run, parking, etc. Commissioner Chappell raised the point on how much the county is spending currently to house inmates in surrounding counties due to the overcrowding of our current facility. Chairman Guice reported that we have set aside \$75,000 this year for that purpose. This does not include transportation. If the inmate has a hearing, we have to go pick them up and then return them.

Commissioner Chappell then asked if it wouldn't be prudent to build a larger core initially. Dan Mace replied that this core size will take us through the life of the building and is the right size for Transylvania County. The commissioners agreed that the citing of the building on the property that Dan Mace shared was fine.

### AMENDMENT NO. 8 FOR UPPER FRENCH BROAD RIVER FLOOD PROOFING PROJECT

County Manager Wilson reported that the commissioners have already approved an application for the floodproofing project of Zion Baptist Church. The application has gone to Raleigh and they have requested that there be an amendment to the Project Agreement before this project can get started. Amendment No. 8 lists Zion Baptist Church, Phase II of the church at \$122,780. He then asked the commissioners to authorize the chairman to sign amendment No. 8 to the project agreement for floodproofing for Zion Baptist Church. The estimate cost of the floodproofing of the church itself is \$132,950 with approximately \$100,000 to be borne by the US Dept of Agriculture and the remaining funds of \$33,000 to be borne by the church.

**Commissioner Miller moved to approve Amendment No. 8 for the Upper French Broad River Flood Proofing Project, seconded by Commissioner Phillips and unanimously carried.**

### REVIEW OF DAGGETT REPORT ON A NEW ANIMAL SHELTER

Steve Smith, Health Department Director reviewed the results of the Daggett Report. He thanked the commissioners for their consideration of additional baseline funding for the shelter proposal. He stated that he does agree with the assessment that additional funding would be needed from the county in order to achieve the basic facility design. He has heard many positive comments that consideration of doing so would only promote fundraising for additional features and extras for the shelter.

Chairman Guice stated that according to the report national adoption rates range from 40-60%, "return to owner rate" from 20-30% and euthanasia rates from 10-40%. Transylvania County's three year experience in adoption/return to owner rates averages 22% for canines and 7% for felines. Both categories are low. Our euthanasia rate is substantially higher than the national average at 72% canines and 86% felines. Steve Smith stated that we certainly wish to do better. Our adoption rates have increased slightly and our euthanasia rates have decreased. This is mainly due to the assistance of many volunteers. This certainly promotes the idea of community collaboration on this project. He also stated that he understood that our first priority is our mandated responsibilities related to animal control and public safety.

Chairman Guice stated that all commissioners are aware of the conditions at the current facility. The question is what exactly will it take to address this issue. He also stated that when the initial \$300,000 was set aside it was known that it would take additional funds. He then asked if anyone would like to address the commissioners before they discuss the

issue.

Mason Sexton stated that the animal shelter in Henderson County which was just completed the costs were about \$155 per sq foot. There was a lot of extra work there that had to be done, so he felt that we should be able to come under what the Daggett Report estimate report finds for cost per sq ft (\$175 to \$190). Commissioner Chappell voiced his concerns on just how much we will spend. He also noted that the first recommendation was for 23 kennels which would help to increase the rate of adoption, by affording a longer holding period from 5 to 10 days. Currently we have a 5 day holding period.

Commissioner Miller stated his concerns with the dollar amount per square foot. He agrees that we need to move ahead and get a design that will fit our needs here in Transylvania County and from that get a feel of the final cost.

Commissioner Duvall stated that this is the counties responsibility and that we need to just move forward with this project post haste. Commissioner Chappell stated that we have moved forward, we have identified the property to place the facility on and have already set aside \$300,000.

Chairman Guice stated that it is clear that now is the time to move forward. The cost to build continues to rise. We have undesignated funds that we can designate for this project from the fund balance.

**Commissioner Phillips moved to set aside another \$300,000 for the animal shelter project, seconded by Commissioner Chappell.**

Chairman Guice stated that he did not feel that \$300,000 was enough. The Daggett report estimated \$780,000-\$845,000 for the shelter. He also noted that if we set aside more that does not mean we have to spend it, but at least it would be set aside.

**Commissioner Duvall offered an amendment to the Motion by Commissioner Phillips to set aside an additional \$450,000 for a total of \$750,000 for the animal shelter project, seconded by Commissioner Miller. The vote on the amendment was 3-2 with Commissioners Phillips and Chappell voting no. The amendment carried.**

-

## NEW BUSINESS

### LOAN OF HISTORIC ARTIFACTS TO THE JIM BOB TINSLEY MUSEUM

County Manager Wilson reported that we have received a letter from the Joint Historic Preservation Committee requesting that the county enter into an agreement with the Jim Bob Tinsley Museum to house any artifacts currently held by the Transylvania County Joint Historic Preservation Committee and future artifacts donated to them. The plans of the museum include the development of permanent and rotating exhibits utilizing these artifacts. They would provide storage, climate control and security control for any artifacts not being utilized. They would be on loan and cataloged with a copy of documentation provided to the JHPC. We also request that a copy of that log be sent to Transylvania County so that we would have it on record as well. This is a better storage arrangement than we currently have and we are recommending that the commissioners make this loan to the Jim Bob Tinsley Museum.

**Commissioner Chappell moved to approve the recommendation with the stipulations, seconded by Commissioner Phillips. The motion was carried unanimously.**

### RAIN GARDEN PRESENTATION

Eric Caldwell gave a presentation on the Rain Gardens that were developed on the grounds of the new library. These gardens help to handle the rain runoff from the parking lot in a way that is not damaging to the ground water or any streams/rivers.

Chairman Guice read a letter of recommendation for Eric Caldwell.

**Commissioner Duvall moved to approve the letter of recommendation, seconded by Commissioner Chappell. The motion was carried unanimously.**

### MANAGER'S REPORT

The manager had no report.

### **PUBLIC PARTICIPATION**

Tony Morrow thanked the commissioners thanked all the commissioners for their support in entrusting the Jim Bob Tinsley Museum with the loan of the artifacts from the Joint Historic Preservation Committee.

Dr. Ann Holshouser thanked the commissioners for their support of the animal shelter. She volunteered to help in any way she could.

Mr. Bob Hesselstien thanked the commissioners for their support of the animal shelter.

Nilsa Lobdell stated her appreciation for the landfill and recycle centers staff. They are always courteous and helpful to her.

### **COMMISSIONERS' COMMENTS**

There being no further business to come before the board, **Commissioner Duvall moved to adjourn the meeting, seconded by Commissioner Chappell and unanimously carried.** The meeting adjourned at 9:55p.m.

ATTEST:

\_\_\_\_\_  
W. David Guice, Chairman

\_\_\_\_\_  
Interim Clerk to the Board