

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING – JUNE 26, 2006

The Board of Commissioners of Transylvania County met in regular session on Monday, June 26, 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 30 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, Finance Director Gay Poor, Chief Deputy Jeff Hubbard, Library Director Anna Yount, Solid Waste Director Jeff Brookshire, Economic Development Director Mark Burrows, Tax Assessor David Reid, Social Services Director Carson Griffin, and Recording Secretary Sherry Simpson. There were several commissioner candidates present.

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

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

PUBLIC COMMENT (sign-in required)

Sara Champion spoke to the Commissioners regarding a recreation need in the county. She shared that the Brevard Racquet Club will not be putting up the bubble over the pool this year. This will leave us with no indoor pool facility for swimmers to practice in. She asked the commissioners and the recreation department to study what comparable communities offer as far as recreational amenities.

Randy Barton spoke to the commissioners regarding House Bill 1025, more specifically Section 10 of that Bill. He feels that it is aimed specifically at Transylvania County. This Bill was written without the knowledge of Senator Snow and Representative Trudi Walend. This bill will go to the Senate tomorrow. He urged the commissioners to adopt a resolution against House Bill 1025 and Senate Bill 2035.

AGENDA MODIFICATIONS

Chairman Guice requested the addition of an item under New Business: VIII C – Resolution 14-06, Opposition to House Bill 1025 & Senate Bill 2035.

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

CONSENT AGENDA

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

The following items were approved:

DISCOVERY AND RELEASE REPORT: The Discovery and Release Report for May 2005/2006 and 2006/2007 (attachment as part of these minutes) were approved as submitted.

PRESENTATIONS/RECOGNITIONS

RESOLUTION 13-06, IN RECOGNITION OF ANN E. BARNES

Chairman Guice invited Ann Barnes to come forward. He then read Resolution 13-06 (attached as part of these minutes). Chairman Guice then presented the Resolution to Ms. Barnes with his sincere thanks for all she has done for our county. He then invited Social Services Carson Griffin forward. Ms. Griffin thanked Ms. Barnes for all her hard work and dedication to the county.

Commissioner Chappell moved to approve Resolution 13-06, seconded by Commissioner Miller and

approved unanimously.

APPOINTMENTS

LIBRARY BOARD OF TRUSTEES

Commissioner Miller nominated Mike Shelley to replace David Watkins on the Board (term will expire in July 2009), **seconded by Commissioner Duvall and unanimously approved.**

Commissioner Duvall nominated Mark Lemel to replace Andy Anderson on the Board (term will expire in July 2009), **seconded by Commissioner Miller and unanimously approved.**

OLD BUSINESS

APPROVAL OF SOLID WASTE MANAGEMENT PLAN

Manager Wilson asked the commissioners to consider the approval of this updated Solid Waste Management Plan which was reviewed at the June 19, 2006 meeting and is to be submitted to the State Department of Environment and Natural Resources.

Commissioner Duvall moved to approve Resolution 12-06 Accepting and Endorsing the Solid Waste Management Plan, seconded by Commissioner Chappell, and unanimously approved.

BUDGET ORDINANCE FOR FY 2006-2007

Manager Wilson presented the Budget Ordinance for Fiscal Year 2006-2007 (attached as a part of these minutes). Commissioner Chappell asked if there was a public copy in the library. Manager Wilson replied that yes, there was one in the library as well as a copy in Administration. A copy can also be purchased for \$100. Chairman Guice asked if it could be put on the website and Manager Wilson replied that the entire budget was too large for the website, but that we could put the Budget Ordinance on the website.

Commissioner Duvall asked if we could make this available in an electronic format for a lesser cost. Chairman Guice stated that he would look into that possibility.

Commissioner Duvall moved to approve the Budget Ordinance 2006-2007, seconded by Commissioner Chappell. The motion passed by a vote of 4-1, with Commissioner Phillips voting no.

REQUEST FOR PROPOSAL FOR FLOOD STUDY EVALUATIONS SERVICES RELATED TO THE CITY OF BREVARD AND TRANSYLVANIA COUNTY FLOOD DAMAGE CONTROL MEASURES

Manager Wilson reported that the City and County staff have met and took the guidelines given them by the Chairman and Mayor and worked out a request for proposals (attached as a part of these minutes). The Scope of Services is as follows:

1. Review and analyze the City of Brevard Flood Regulations (Chapter 6 of the recently adopted UDO), review and analyze the Transylvania County Flood Damage Control Ordinance, review FEMA's model flood ordinance.
2. Compare all three ordinances and the impact they have on the French Broad River from the confluence of the North and West Fork's of the French Broad to the Henderson County line. This study should also include Nicholson Creek, Kings Creek and Lambs Creek. Characterize the policies and regulations in the context of emerging policies, requirements and "best practices" at the state and national level.
3. Identify other/alternative flood control methods that the City of Brevard and Transylvania County should consider to minimize flooding within the Area of Special Flood Hazard including compensatory storage.
4. Evaluate hydrologic and hydraulic differences between the three ordinances and other alternative flood control methods identified and the economic impact each will have on:
 - a. Flooding within the Area of Special Flood Hazard (100 year flood).
 - b. Costs of compliance associated with new residential, commercial and manufacturing structures.
5. Discuss results with City of Brevard and Transylvania County government officials.

Evaluation Criteria is covered in Section E of the proposal. There is an August 4th submission deadline, but this will depend on when the City of Brevard approves this. Manager Wilson stated that he is asking if you agree with the premise of the RFP, then once we meet with Mr. Albright of the City we can set the deadline and it can go out. This is the recommendation that both the staff of the City and County have agreed to submit to their respective boards.

Commissioner Chappell asked if there were substantial changes that the City makes what would happen. Manager Wilson replied that if that occurred, then it would come back before the commissioners.

Commissioner Duvall moved that we approve the RFP and send it to the City for their review, seconded by Commissioner Phillips, and unanimously approved.

Chairman Guice then asked the audience if there were any questions regarding this matter. There was none.

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NEW BUSINESS

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BUDGET AMENDMENTS

Gay Poor presented the budget amendments to the commissioners. A copy of her report is included in these minutes below.

During the last two quarters of FY 05-06, the General Fund budget increased by \$691M. This was the net result of several significant appropriations from fund balance and a reduction of \$2,019M in the surplus originally anticipated and budgeted as a transfer to fund balance.

Explanation

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The fund balance appropriations made in the latter half of FY 06 totaled \$1,481M. This included \$312M for architectural services for the new Law Enforcement/Public Safety Center and \$256M for the new voting machine system for the Board of Elections. Funds for these two purposes had been reserved in prior years by the Board of Commissioners. In addition, \$350M was transferred from the Capital Projects Fund for the schools to the General Fund and then appropriated to pay for emergency repairs to Brevard High School's stadium. Another \$450M was approved in the June 19th Board meeting and, accordingly, was budgeted for the construction of a new Animal Shelter. The \$50M received in FY 05 from Duke Energy to promote business investment in Transylvania County was appropriated from the reserve for Economic Development to provide an incentive grant to Excelsior. Funds were also withdrawn from fund balance to make a \$20M contribution to Little League for a new field, offset \$26M in operational revenue shortfalls in Solid Waste, and cover \$16M excess expenditures in Elections attributable to use of the new equipment for the May 2nd primary.

New grants and changes in state and federal funding netted to a \$734M increase. Another \$469M was allocated by the Division of Water Resources to our Soil and Water District for stream bank stabilization projects. Co-Operative Extension, likewise, was awarded \$30M from DENR for stabilization work along the Davidson River and \$29M for bioretention projects (rain gardens). Emergency Management received two grants – one for Homeland Security for \$62M and one for \$40M to be spent this year for Crisis Housing Assistance Programs. In addition to a \$32M grant for a Health Check Coordinator, the Health Department got \$12M in funding for environmental health projects. Social Services received \$20M more in Crisis Intervention Program funds than originally budgeted. As in recent years, EMS was allocated \$10M from a Health Resources and Services Administration Grant. And, an Economic Recovery Incubator Grant for \$10M was awarded to the County. Grants of lesser amounts and adjustments to other grants and funding netted to another \$20M.

Several other factors generated a combined increase of \$475M. Most notable among these were \$185M from the settlement of the Lincoln General case that may be applied to FY 06 legal expenditures and \$146M in projected Register of Deeds revenues over and above related expenditures. The County also recorded \$47M in proceeds from insurance claims to cover losses incurred by the Sheriff's Office, EMS, Tax Assessor, and Maintenance. Additional revenues from the New Adventure Center (\$15M) and the Jail (\$10M) also increased the general fund budget. Fifty-five thousand dollars for employees who cashed out vacation in lieu of leave taken or who upon termination were paid for accumulated leave was also transferred from reserved funds and thus was added to the general fund budget.

Just under \$18M was rolled over from the prior year for projects or purchases approved and initiated in FY 05 but not completed by year end. These carryforwards were comprised of \$7m for Health Department programs, \$6M for

CDBG economic development initiatives, and \$5M for maintenance projects.

Funds from donations increased by \$2M.

Please refer to the attached 'FY 2006 Changes in General Fund Budget' for a complete, detailed listing of amendments made to the General Fund during the current fiscal year.

Commissioner Miller moved to approve the budget amendments, seconded by Commissioner Chappell, and unanimously approved.

CANCELLATION OF JULY 10 COMMISSIONER'S MEETING

Commissioner Miller moved to cancel the July 10, 2006 Board of Commissioners meeting, seconded by Commissioner Duvall, and unanimously approved.

RESOLUTION 14-06, OPPOSITION TO HOUSE BILL 1025 & SENATE BILL 2035

Manager Wilson provided some background information concerning the preparation of Resolution 14-06 (attached as a part of these minutes) to the board. In October 1993 Lake Toxaway was deemed as a special area and received a brown bagging permit. In October 1996 Lake Toxaway received a mixed beverage permit. There are two areas, Toxaway and Conestee, where this is allowed, but there are also some restaurants in those areas that have a brown bag permit. Senator John Snow and Representative Trudi Walend were not aware of the introduction of this bill or the amendments that were included. Manager Wilson received an email from Senator Snow this afternoon stating that he has spoken with Mark Nesbitt and has drafted a bill to remove Section 10 from House Bill 1025 & Senate Bill 2035, and that Mr. Nesbitt is prepared to introduce the bill tomorrow.

Commissioner Chappell thanked the Christian Action League for notifying us of these drastic changes that would have affected our county.

Chairman Guice read Resolution 14-06 and asked the commissioners what they desired.

Commissioner Miller moved that we approve Resolution 14-06, seconded by Commissioner Phillips and unanimously approved.

Commissioner Duvall asked to amend the motion to include a request to Senator Snow and Senator Nesbitt to move forward with their bill, and passed unanimously.

PUBLIC PARTICIPATION

Chairman Guice called for any public comment. There were no comments received from the public.

COMMISSIONERS' COMMENTS

Chairman Guice called for any comments from the commissioners. There were no further comments from the commissioners.

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 8:15 p.m.

ATTEST:

W. David Guice, Chairman

Interim Clerk to the Board