

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING – July 24, 2006

The Board of Commissioners of Transylvania County met in regular session on Monday, July 24, 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 25 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, Human Resources Director, Sheila Cozart, Chief Deputy Jeff Hubbard, Library Director Anna Yount, Tax Assessor David Reid, and Recording Secretary Sherry Simpson. There were several commissioner candidates present.

Media: *Transylvania Times* – Donald Reeves, *Times-News* – Jonathan Rich

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

PUBLIC HEARING

INCENTIVE GRANT FOR GAIA HERBS

Manager Wilson reported the following in accordance with N.C.G.S. 158-7.1(b)5 Transylvania County desires to assist Gaia Herbs in the extension of the water line to the Gaia Herbs facility on Island Ford Road. This will be a 10 inch water line to supply water to buildings and fire hydrants. The incentive package is performance based on the combined value of real and personal property to be invested by Gaia Herbs. Gaia Herbs expects to invest approximately 3 million dollars in this new expansion. At this level of investment the amount of incentive as a grant back on taxes paid would equal a one time grant of \$16,200. The amount will vary on the actual level of investment, per the county's investment policy. Benefits derived will be the creation of 4 new jobs and an addition to the tax base of approximately \$3 million dollars. The estimated cost of the project is \$85,000. The City of Brevard had made application to the N.C. Rural Center for \$40,000 (\$10,000 for each additional job created). Gaia Herbs has committed \$28,800 towards the project. If approved the remainder of \$16,200 will be covered by the county's incentive grant.

Chairman Guice then asked for any public comment.

- 1) Keith Kellen who works at Gaia Herbs spoke in favor of the project and explained the need for the project.

Following the comment period, the chairman declared this public hearing closed at 7:14pm.

PUBLIC COMMENT (sign-in required)

There were no public comments.

AGENDA MODIFICATIONS

Chairman Guice requested the addition of an item under New Business: IX A – Letter of Resignation of Elected Official. Manager Wilson requested the addition of 2 items under New Business: IX B – North Carolina Governor's Highway Safety Program and Item IX C – North Carolina Black Elected Municipal Officials Summer Conference.

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

CONSENT AGENDA

The following items were approved:

MINUTES:

The minutes of the Budget Workshops on May 30, June 1, June 5, June 6 and June 8th. The minutes of the regular

meetings of June 19, 2006 and June 26, 2006.

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

- Use of Silvermont by Community Advisors of the Heritage Coalition on the 1st Friday of each month from 1:30pm – 3:00pm
- Use of Silvermont by Eric Caldwell, Cooperative Extension to host the West District Extension Directors evening meal on August 9, 2006 from 5:00pm – 9:00pm
- Use of Silvermont by Eric Caldwell, Cooperative Extension to host County Cattlemen's Association Cook-out on July 25, 2006 from 5:00pm – 9:00pm

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

RESOLUTION 16-06, DELAYING REVALUATION CYCLE FROM JANUARY 1, 2007 TO JANUARY 1, 2009 –
Resolution 16-06 was approved.

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

PRESENTATIONS/RECOGNITIONS

APPOINTMENTS

AREA COUNCIL ON AGING

Commissioner Duvall moved to reappoint Delores Stroup to the Area Council on Aging, seconded by Commissioner Miller and unanimously approved.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Chappell moved to reappoint Eddie Lance and Jerry Stone to the Juvenile Crime Prevention Council, seconded by Commissioner Duvall, and unanimously approved.

Commissioner Miller moved to appoint Doug Mundy to replace Mack Brittain on the Juvenile Crime Prevention Council, seconded by Commissioner Phillips, and unanimously approved.

Commissioner Duvall moved to appoint Marty Burns to replace David Carter on the Juvenile Crime Prevention Council, seconded by Commissioner Phillips, and unanimously approved.

Commissioner Chappell moved to appoint Bob Plemmons to replace Rod Webb on the Juvenile Crime Prevention Council, seconded by Commissioner Miller, and unanimously approved.

NURSING/ADULT CARE ADVISORY COMMITTEE

Commissioner Chappell moved to appoint Karen Weller, Vickie Van Antwerp and Thomas McAuley, Jr. to the Nursing/Adult Care Advisory Committee, seconded by Commissioner Phillips, and unanimously approved.

TOURISM DEVELOPMENT AUTHORITY

Commissioner Miller moved to appoint Shaun White to fill the unexpired term of Gary Himes to the Tourism Development Authority, seconded by Commissioner Duvall, and unanimously approved.

DANGEROUS DOG REVIEW BOARD

Commissioner Phillips moved to reappoint Barbara Axel to the Dangerous Dog Review Board, seconded by Commissioner Chappell, and unanimously approved.

COMMUNITY CHILD PROTECTION TEAM

Commissioner Miller moved to appoint Amy Parker to fill the expired term of Linda Schieve to the Community Child Protection Team, seconded by Commissioner Duvall, and unanimously approved.

CHILD FATALITY PREVENTION TEAM

Commissioner Duvall moved to appoint Gale Mackey to fill the expired term of Rita Smith to the Child Fatality Prevention Team, seconded by Commissioner Chappell, and unanimously approved.

Commissioner Chappell requested that we post the application in the Transylvania Times to get more citizen applications. Chairman Guice instructed the clerk to do so.

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OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

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LETTER OF RESIGNATION – ELECTED OFFICIAL

Chairman Guice reported that he had received a letter of resignation from the Tax Collector, Mary Ruth Stamey citing health reasons and upon the advice of her physician. The resignation is effective July 21, 2006. Ms. Stamey stated "It has been my honor and privilege to serve the citizens of this county and I hope that the Tax Collector's office will continue to move in the positive direction as we have over the last several years. Thank you voters for all your support throughout the years. I have enjoyed providing this service and getting to know so many of you personally." Chairman Guice stated that the Board of Commissioners wished to thank her for the 29 plus years of service that she provided to the citizens of Transylvania County.

Since Ms. Stamey is an elected official the Institute of Government was contacted to see how the vacant position should be filled. According to the Institute of Government the Board of Commissioners can by law, fill the position as referenced in N.C.G.S. 105-349(a). This is further supported by the August 5, 1998 opinion of the NC Attorney General, which applied the vacancy billing provisions of N.C.G.S 105-349 to a vacancy in the office of Tax Collector in Haywood County, despite the fact that Haywood County like Transylvania County had an elected Tax Collector under local legislation rather than an appointed one under general law.

In order to continue to collect taxes and keep the Tax Collector's office running, Chairman Guice requested the Board of Commissioners appoint an Interim Tax Collector now to give more time for the Board to think about the position. Currently, Genelle Chapman is the only Deputy Tax Collector in the office. Chairman Guice recommended the appointment of Genelle Chapman as Interim Tax Collector until the second meeting in August (August 28, 2006) to give commissioners more time to discuss the position.

Chairman Guice asked if the Board had any comment. All commissioners thanked Ms. Stamey for her many years of service and dedication to Transylvania County.

Chairman Guice moved to appoint Genelle Chapman as Interim Tax Collector until the August 28, 2006 Board of Commissioners meeting, seconded by Commissioner Duvall, and unanimously approved.

NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM

Manager Wilson reported that the Sheriff's office has made application to the NC Governor's Highway Safety Program to purchase two (2) fully equipped patrol vehicles, two (2) mobile data terminals, two (2) radars, two (2) in car video systems and DWI checkpoint equipment. The total request is for \$86,920 with the Governor's Safety Program supplying \$65,723 in federal funding. There would be a required match of \$21,197. Due to the required timing of the project an application has already been sent in, but it does require the passage of a Resolution stating that the county will appropriate the required match.

Sheriff Shepherd stated that these two cars would mean that the department would not have to purchase them from next year's budget.

Manager Wilson stated that there was no monies budgeted for these vehicles and that these dollars would have to come out of contingency.

Commissioner Duvall moved to take the funds from contingency, seconded by Commissioner Chappell, and unanimously approved.

NORTH CAROLINA BLACK ELECTED MUNICIPAL OFFICIALS

Manager Wilson reported that the NC Carolina Black Elected Municipal Officials Summer Conference is scheduled for August 10-13, 2006 in Brevard, North Carolina. The Board of Commissioners of Transylvania County welcomes to all

these black elected municipal officials to Brevard and congratulates the organization for its many accomplishments. He then presented Proclamation 18-06, which proclaims Sunday, August 13, 2006 as North Carolina Black Elected Municipal Officials Day in Transylvania County. This is the second year they have held their conference here in Transylvania County and has been a real asset having them in our community.

Commissioner Duvall moved to approve Proclamation 18-06, seconded by Commissioner Miller, and unanimously approved.

MAINTENANCE OF EFFORT FUND

Manager Wilson reported that recently we received notification from Western Highlands Local Management Entity indicating that Transylvania County's portion of the Trend Settlement. Report for 2003 is \$34,759.80. Transylvania County had previously sent the LME \$18,841.04 towards this settlement. This leaves a balance of \$15,918.76 to come out of FY 2006-07 Maintenance of Effort Funds. This would leave a balance of \$83,342.24 in Maintenance of Effort Funds for FY 2007.

Commissioner Miller moved to authorize \$15,918.76 to come out of this year's Maintenance of Effort Funds to pay off the Trend Settlement that is due by Transylvania County, seconded by Commissioner Phillips, and unanimously approved.

Commissioner Duvall asked if this finalizes the Trend settlement. Manager Wilson stated that there *may* be more small items.

REQUESTED USE OF THE LIBRARY

Manager Wilson presented 3 requests for use of the library to the commissioners. Approval by the Board of Commissioners is required per the library's facility use policy. 1) Transylvanians for Peace will be requesting donations from those in attendance to help pay for the films; 2) Crop Walk is a religious activity; and 3) Ty Hendrix Investment is for commercial purposes.

Commissioner Duvall moved to approve all 3 requests for use of library, seconded by Commissioner Chappell, and unanimously approved.

RESOLUTION 15-06, DECLARING MEMORIAL DAY A SCHOOL HOLIDAY

Chairman Guice stated that during the 2006 Budget Workshops the Board of Commissioners asked staff to prepare a resolution requesting the Board of Education observe Memorial Day as a School Holiday. He then presented Resolution 15-06 – Declaring Memorial Day A School Holiday.

Commissioner Duvall moved to approve Resolution 15-06, seconded by Commissioner Phillips, and unanimously approved.

Manager Wilson said that he has conveyed that the commissioners were considering this and that he has received no feedback from the Board of Education.

RESOLUTION 17-06, PROCLAIMING JULY AS RECREATION AND PARKS MONTH

Manager Wilson reported that since 1985, the National Recreation and Park Association (NRPA) has designated the month of July as Recreation and Park Month. Ms. Sandi Hosey, Chairman Parks and Recreation Advisory Board has requested that the Board of Commissioners designate July as national Recreation and Parks Month. Chairman Guice then read the resolution to those in attendance.

Commissioner Chappell moved to approve Resolution 17-06, seconded by Commissioner Phillips, and unanimously approved.

MANAGER'S REPORT

Manager Wilson reported that we have started removing items out of the old library. We looked within county government to see if any of those items could be used. The second place we looked at was the schools. They were able to use a number of items that we had there.

He also reported that he, Chairman Guice and Commissioner Miller met with the N.C. D.O.T. regarding the completion

of paving NC 281 North. They learned that the project has been delayed by the funding shortfall throughout the state. They estimate about a 5 month delay and an estimated completion date of fall 2008.

The natural gas line to Excelsior is underway. Estimated completion date around Labor Day, 2006.

He then mentioned items to consider:

- Public Hearing on August 8, 2006 at 7:00pm at the new library on the Transylvania County Comprehensive Transportation Plan.

Next meeting items to be discussed:

- Proposed Transylvania County Community Appearance Initiative
- Solid Waste Site Master Plan
- Planning Board Annual Report

Second meeting in August:

- Variance request from Cingular Big Ridge Cell Tower permit

Chairman Guice also added that at either August 14 or August 28 meeting we will need to discuss the Clerk to Board position.

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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.

CLOSED SESSION

The group entered closed session at 8:25 p.m. Commissioners Guice, Chappell, Duvall, Miller and Phillips, and Manager Wilson, Attorney Jeanne Hall and the clerk were present.

The group discussed the acquisition of real property. After weighing alternatives, the Board of Commissioners gave staff direction on how to proceed.

No action was taken during closed session.

Commissioner Duvall moved to re-enter open session, seconded by Commissioner Phillips and unanimously approved.

Commissioner Duvall moved to seal the minutes of the closed session until the issue is resolved, seconded by Commissioner Chappell and unanimously carried.

OPEN SESSION

The group entered open session. No member of the public or media returned to the meeting.

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 9:15 p.m.

ATTEST:

W. David Guice, Chairman

**SEALED MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
CLOSED SESSION MEETING – July 24, 2006**

Pursuant to NCGS 143-318.11(a)(5) to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease, the group entered closed session at 8:25 p.m. Present for the closed session were Chairman David Guice, Commissioners Jason Chappell, Jeff Duvall, Ray Miller and Kelvin Phillips, the county manager, Attorney Jeanne Hall, and the recording secretary. Two properties were discussed.

Swangim Property:

Manager Wilson reported that Ms. Ann Swangim had approached the county stating that she wanted to sell her property. A discussion was held and the Board instructed the manager to tell Ms. Swangim that the county is interested, but further investigation is required.

Cilley Property:

The commissioners discussed the benefits of purchasing the 5 acres off Morris Road from Marla Cilley. It was agreed that at this time they did not wish to purchase the property.

Commissioner Duvall moved to seal the minutes of the closed session until such time as they are no longer sensitive, seconded by Commissioner Chappell and unanimously approved.

Following the second portion of the closed session, **Commissioner Duvall moved to leave close session and re-enter open session, seconded by Commissioner Phillips and unanimously approved.**

ATTEST:

W. David Guice, Chairman

Arthur C. Wilson, Interim Clerk to the Board