

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING – August 14, 2006

The Board of Commissioners of Transylvania County met in regular session on Monday, August 14, 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, County Attorney, Dave Neumann, Finance Director Gay Poor, Human Resources Director, Sheila Cozart, Interim Tax Collector, Genelle Chapman, Solid Waste Director, Jeff Brookshire, Economic Development Director, Mark Burrows, Planning Director, Mike Thomas, Emergency Management Director, David McNeill, 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 Phillips led the Pledge of Allegiance.

PUBLIC HEARING

COMMUNITY DEVELOPMENT BLOCK GRANT

The public hearing was to close out 2 Community Development Block Grants 03-P-1171 and 03-P-1185.

Mark Burrows spoke to the board about each grant. The Economic Recovery Planning Assistance Grant #03-P-1171 was for \$180,000 and used primarily to fund an Economic Development Planner and he worked from June 1, 2004 through January 24, 2006 and a part-time Retirement resource Coordinator. The county received \$3,895 from in-kind support through the volunteer network provided by the Retirement Resource Coordinator.

The Economic Recovery Entrepreneurial Assistance Grant #03-P-1185 \$100,000 was used for internet service and entrepreneurial training. The majority of those funds have been used to provide free courses for entrepreneurial training for those who were dislocated from Ecusta, Agfa or Coats. It also helped to provide free high speed internet connection for a number of people that were working on business plans or had small entrepreneurial businesses already in place. With this grant we were able to leverage additional money from Citizens Telephone to gain partnership and donation of \$5,000 that enabled us to reach out to an additional 5-7 people.

Karen Kiehna also spoke to the board about the grants. Economic Recovery Planning Assistance Grant helped to create 27 new jobs from Nov. 2003 through June 2006. The Economic Recovery Entrepreneurial Assistant Grant had two specific categories where they calculated and captured numbers. The first being in the internet connection had 42 jobs and 21 applicants. The entrepreneurial training sessions showed 21 additional individuals employed. Comments from those participating have been very positive. The Entrepreneurial Training course was offered 3 times for free and they are considering a 4th.

Chairman Guice then asked for any public comment:

Keith Keller as Mr. Burrows if the 14% unemployment rate was based on ESC figures and is the low rate now because people no longer qualify for benefits? Mr. Burrows replied that between 2004-2005 we have gained approximately 320 new jobs in Transylvania County. Those from Ecusta who opted for early retirement do not show up in the unemployment rate.

Commissioner Chappell asked what type of follow-up procedures are in place. Mr. Burrows replied that the Economic Development Advisory Board is looking to address this. If they are contacted by prior participants for assistance they will help, but there is no specific plan in place.

Following the comment period, the chairman declared this public hearing closed at 7:30pm.

PUBLIC COMMENT (sign-in required)

There were no public comments.

AGENDA MODIFICATIONS

Manager Wilson requested the addition of two items under New Business: IX F – Negotiated Offer to Sell Property and IX G – Use of Old Library for One Stop Voting.

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

CONSENT AGENDA

The following items were approved:

MINUTES:

The minutes of the July 24, 2006 regular meeting.

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

- Use of Silvermont by Dr. Kenneth P. Chepenik to sponsor county wide public event for Mr. Heath Shuler, Democratic candidate for Congressional Representative
- Use of Gazebo by Brevard Community Band for Summer Concert Series, 2007

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

PRESENTATIONS/RECOGNITIONS

RECOGNITION OF MARY RUTH STAMEY

Chairman Guice read Resolution 19-06 and presented it to Mary Ruth Stamey.

Commissioner Duvall moved to approve Resolution 19-06, seconded by Commissioner Miller and approved unanimously.

All commissioners thanked Mary Ruth for her years of public service.

PLANNING BOARD'S ANNUAL REPORT

Chairman Guice introduced to members of the Planning Board to the audience. Jimmy Perkins presented their report. He highlighted some of the accomplishments of the board.

- Met with City Planning Board, members of County Transportation Committee and Matthew Day from the DOT to discuss the process of changing the Thoroughfare Plan to a Comprehensive Transportation Plan.
- Reviewed Subdivision Ordinances in surrounding counties to see how they deal with subdivisions that have three or fewer lots (special).
- Developed options for special subdivisions (3 or fewer lots)
- Approved the master plan for Catatoga and preliminary plat for Phase I – Hawk Ridge
- Approved the master plan and preliminary plat for Phase I of Green Hollow at Big Hill
- Discussed and developed a voluntary county appearance initiative
- Approved 4 major subdivisions: Green Hollow at Big Hill, Lobdell Woods-Phase 2, Round Mountain Falls and Sylvan Heights.

Commissioner Miller commended Mr. Perkins and the Planning Board.

APPOINTMENTS

There were no appointments.

OLD BUSINESS

PUBLIC SAFETY FACILITY

Manager Wilson stated that the Design Team has reviewed and approved the plan and recommends the approval of the proposed design. Robert Smith presented the plans for the new Public Safety Facility. Chairman Guice then explained the floor plan to the public.

Commissioner Miller moved to approve the proposed design of the Public Safety Facility, seconded by Commissioner Duvall and approved unanimously.

Manager Wilson reported that the next step would be to create the construction documents and to send it out to bid. This should take approximately 2-3 months.

COMMUNITY DEVELOPMENT BLOCK GRANTS 03-P-1171 AND 03-P-1185

Commissioner Chappell moved to authorize the Chairman to sign the Close Out Performance Reports for 03-P-1171 and 03-P-1185, seconded by Commissioner Duvall and approved unanimously.

INCENTIVE GRANT FOR GAIA HERBS

The City of Brevard/Gaia Herbs has verbally received notification from the Rural Center that they have been awarded a grant to help extend water to a new expansion facility on Island Ford Road. The expansion is estimated to cost \$3 million. Mark Burrows has been working with Gaia Herbs and the City of Brevard on installation of the line. The estimated cost of the line is \$85,000. The Rural Center has indicated they will provide \$40,000 in grant funds towards this project as long as Gaia hires 4 additional people and Gaia has committed to pay \$28,800 towards the project. This leaves a balance of \$16,200. Based on the County's incentive policy we are proposing to grant Gaia Herbs \$16,200 based on a performance based grant calculated by using the amount of personal and real property investment made in the expansion. This would be a one time investment and would have a payback of one year. A Public Hearing as required by NCGS 158-7.1(b) (5) was held on this issue on Monday, July 24, 2006. No one spoke in opposition to the grant.

Manager Wilson explained that the County would have to send a letter to the City to make sure that it is on behalf of Gaia Herbs, that the funds would actually be sent to the City of Brevard on behalf of Gaia Herbs.

Commissioner Miller moved to approve Incentive Grant to Gaia Herbs, seconded by Commissioner Duvall and approved unanimously.

EXEMPTION FROM THE MINI BROOKS ACT

Manager Wilson explained that the recent Request for Proposal for the Flood Study Evaluations Services contained a provision requesting a fixed price for the study. The proposal also said that one of the five evaluation criteria to be used in the selection of a vendor is the price of the study. The Board of Commissioners approved the RFP but to make it clear that you have exempted the County from the Mini Brooks Act as allowed under NCGS 143-64.32.

Commissioner Duvall moved to approve the Exemption from the Mini Brooks Act, seconded by Commissioner Miller and approved unanimously.

NEW BUSINESS

SITE DEVELOPMENT MASTER PLAN FOR TRANSYLVANIA COUNTY LANDFILL

Hannu Kempinen, Senior Project Consultant with Joyce Engineering presented the Site Development Master Plan for the Transylvania County Landfill to the commissioners. He outlined the area that would be appropriate for the construction of a Construction & Demolition cell as well as possible new areas for future cells. *See Master Site Plan attached as a part of these minutes. He stated that the current cell (Phase 4) in use now will last until 2008. He suggested proposing to the state that Phases 5 & 6 be constructed at the same time as one large cell. This construction should begin sometime next summer. This will give us capacity until sometime in 2013.

The proposed Construction and Demolition cell will consist of approximately 21 acres and have a capacity of 364,556

cubic yards. The proposed areas for future cell development are: Option 2 which includes over 50 acres of suitable land with a potential capacity in the range of 4.3 million cubic yards. Option 3 would include expanding by 40 more acres and over 5 million cubic yards of capacity. Both these additional areas would require site characterization studies to confirm local geology and site specific suitability for design and construction. With this additional expansion we would have landfill capacity until approximately 2060-2070.

Commissioner Miller stated that we need to do a better job of recycling and reducing waste. He also suggested looking into ways to turn waste into electricity in conjunction with at least 4 other counties.

Chairman Guice asked for any public comment.

Keith Keller stated that he does not feel it is a good idea to send our waste to a private company for hauling to another landfill. He asked if we had considered compacting.

Manager Wilson stated that we had looked into compacting and that it was not cost effective. We get the same compaction rate utilizing our compacting equipment as machine balers.

Commissioner Duvall stated that he feels we need to proceed with the construction of the Construction & Demolition cell.

PROPOSED TRANSYLVANIA COUNTY APPEARANCE INITIATIVE

Mike Thomas presented the draft Community Appearance Initiative to the commissioners. The goals of the initiative are:

- To preserve and protect the natural beauty of Transylvania County
- To preserve and protect property rights
- To promote and protect the health and safety of citizens of Transylvania County
- To promote economic development while protecting individuals and businesses from burdensome regulations

Priorities will be given to all major corridors in the county. The Advisory Council will consist of 9 members appointed by the Board of Commissioners.

Commissioner Miller moved to approve the Community Appearance Initiative and to take the appropriate time to appoint the 9 member Advisory Board, seconded by Commissioner Duvall, and approved with a 4-1 vote. Commissioner Phillips voting no.

Commissioner Chappell moved to amend the motion to include approving the Memorandum of Understanding with Land of Sky. The amended motion was approved with a 4-1 vote, Commissioner Phillips voting no.

TAX COLLECTOR'S ANNUAL SETTLEMENT REPORT

Genelle Chapman presented the Tax Collector's Annual Settlement Report to the commissioners. The collection rate for this report was 98.4%.

Commissioner Duvall moved to approve the Tax Collector's Annual Settlement Report, seconded by Commissioner Phillips and approved unanimously.

ORDER OF TAX COLLECTION

Commissioner Chappell moved to approve the Order of Tax Collection, seconded by Commissioner Miller and approved unanimously.

REQUESTED USE OF ROGOW ROOM

Commissioner Duvall moved to approve both requests for Use of the Rogow Room, seconded by Commissioner Chappell and approved unanimously.

NEGOTIATED OFFER TO SELL PROPERTY

Manager Wilson reported that Mr. Robert Hutchison has made an offer of \$2,433 to purchase real property described in Deed Book 102, Page 185 and being identified for tax purposes as PIN No: 8586-31-1651-000, Mills Avenue. Transylvania County purchased the property through foreclosure. We recommend the sell of this property through

the negotiated offer and upset bid process. He then recommended that we accept the negotiated offer by Mr. Robert Hutchinson for \$2,433 given that we must go through the upset bid process.

Commissioner Guice moved to approve the Negotiated Offer to Sell Property, seconded by Commissioner Duvall and approved unanimously.

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USE OF OLD LIBRARY FOR ONE STOP VOTING

Manager Wilson reported that on August 4, 2006 the Board of Elections voted “to proceed with the use of the old library one stop voting and for precinct official training, contingent upon the items needed to be provided and required steps taken by the county to make the building suitable for this function”. Today we reviewed the list provided by the Board of Elections and can meet most of the items listed. The ones that we have questions about include:

1. Removal of carpet---don't think that would be a good idea. We can clean the carpet and make necessary repairs. Underneath is glue that would be a problem.
2. 30 x 45 sign ---we suggest using the same sign used before.
3. Parking spaces in front of library and on Morgan Street – we have asked the City if this is possible.
4. Microwave – there is a refrigerator but no microwave.
5. Walls to which voting machines backed up to – we recommend a black poly wall. We have the materials.
6. Sound proof curtain/wall to separate children's wing – we would make a black poly wall with door with insulation on back
7. Adjustable stools – we don't have, would have to buy.

Commissioner Guice stated that he feels we need to make the offer to the Board of Elections and make the necessary fixes to the old library.

Commissioner Duvall made a motion to move forward with and to negotiate to use the old library for one stop voting, seconded by Commissioner Phillips and approved unanimously.

MANAGER'S REPORT

Manager Wilson reported:

- The Cingular Tower Variance request has been withdrawn. They are looking into other site options.
- We are in the finalizing stages of the Lake Toxaway Property Owner's Association contract and hope to have it to them by Wednesday, August 16th.
- We have a draft of the RFP for vehicle maintenance in the works and should come to the board in September.
- Should have a proposed layout for the old library renovations to the commissioners in September.
- Also in September we will be looking at possible layouts for the Health Department renovations.

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PUBLIC PARTICIPATION

Chairman Guice called for any public comment.

Jon Wesley thanked the commissioners for their consideration on approval of the Community Appearance Initiative. He also stated that in regard to concern over the taxpayer dollars being utilized for this initiative if we would have made an ordinance out of this issue it would have probably cost 3-4 times per year what they are requesting just to hire additional staff.

Keith Keller asked Mark Burrows if any alternative routes were considered for the water line being laid for Gaia Herbs. Mark replied that the water line is coming out of Cathey's Creek now and following the road, which is a shorter distance.

Keith Keller then asked if there was any penalty if the jobs created at Gaia due to the new water line disappear or are not maintained. Mark Burrows replied that the City of Brevard has a clause that if they are not created or maintained for at least one year, that the money must be refunded back to the NC Rural Center.

Keith Keller then asked if it was not possible to use the new library for One Stop Voting. Chairman Guice replied that the new library is being used for library functions during most of the time that the Board of Elections requested as well as other functions that were already booked.

Ladene Newton, Secretary for Board of Elections stated that if they had known that this issue was going to be on the agenda tonight that their chairman would have tried to attend. She said that they are trying their best to work with the commissioners on this request. Their original request went out in April for the use of the library because they have a responsibility to provide for the citizens the best space available and for the best election. She stated that they felt the Community Room at the new library was an appropriate space for that. She further stated that they chose to request that instead of claiming that space as is allowed by the law, Section 153-129 where they can just demand that space. She said that they chose to request it because they wanted to work with the board and manager. She then stated that their requests for repairs of the old library were merely to make it safe to the voters and that if the carpet could be stretched and made safe that they were happy to work with you on that.

Commissioner Guice replied that he wanted to clarify that the topic of the new library was not on the agenda for tonight's meeting. The agenda topic was the use of the old library for one stop voting. He also asked Dave Neumann, County Attorney to clarify the misunderstanding as it relates to what is required by us and what you can demand. The other issue is that at no time have we not been cooperating in communicating with the Board of Elections. We have been working through the Chairman, Jack Hudson.

Dave Neumann replied that the law states that they may use any public property, but the Attorney General went on to say that it should be tempered. No where does it say we have to provide the **best** space or a training space, but that we just have to provide a space for voting.

Mike Shelley, Friends of the Library Trustee thanked the commissioners past and present for bringing us the beautiful new library we now enjoy.

COMMISSIONERS' COMMENTS

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

CLOSED SESSION

Commissioner Duvall moved that the meeting go into Closed Session. The five commissioners, county manager, Attorney David Neumann; County Engineer, Larry Reece; Human Resources Director, Sheila Cozart and the recording secretary were present, seconded by Commissioner Chappell.

The group entered closed session at 10:55PM.

ACQUISITION OF REAL PROPERTY

- The group discussed the acquisition of real property. The commissioners discussed the situation and directed the county manager on how to proceed.

PERSONNEL

The Board discussed a personnel issue and gave staff instruction on how to proceed.

Commissioner Chappell moved to leave close session and re-enter open session, seconded by Commissioner Miller and unanimously approved.

OPEN SESSION

No member of the public or media returned to the meeting.

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

There being no further business to come before the board, **Commissioner Phillips moved to adjourn the meeting, seconded by Commissioner Chappell and unanimously carried.** The meeting adjourned at 12:15a.m.

ATTEST:

W. David Guice, Chairman

Interim Clerk to the Board