

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING – August 28, 2006

The Board of Commissioners of Transylvania County met in regular session on Monday, August 28, 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 40 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, Emergency Management Director, David McNeill, Library Director Anna Yount, Tax Assessor David Reid, Clerk of Court Rita Ashe, Social Services Director Carson Griffin, Parks & Recreation Director Rick Pangle, Project Manager Larry Reece, Commissioner Candidates Mason Sexton, Daryle Hogsed, Annette Cooper and Keith Keller, and Recording Secretary Sherry Simpson.

Media: *Transylvania Times* – Donald Reeves

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

PUBLIC HEARING

PUBLIC COMMENT (sign-in required)

Chairman Guice asked if there was anyone who wished to speak to the commissioners.

Genelle Chapman, Interim Tax Collector spoke to the commissioner to address the Tax Collector's position. She shared her experience in the Tax Collector's office over the past 20 years and she was surprised that she may not be appointed as Tax Collector to fill the unexpired term of Mary Ruth Stamey. She stated that due to personal reasons in her family she was not able to come and speak with Chairman Guice about this issue earlier and went on to say that 1 month was not enough time to find out what she can and can not do. She stated that she has been an asset to the Tax Collector's office, the County and the citizens. She then stated that she hoped that the commissioners would let her continue to serve as Tax Collector.

AGENDA MODIFICATIONS

Manager Wilson requested the addition of one item to the Agenda. He requested that Item XI – Closed Session NCGS 143-318.11 (a)(5) Purchase of Real Property.

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

CONSENT AGENDA

The following items were approved:

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

- Use of Courthouse Lawn & Gazebo by Sandy Goble for Celebration of Courage on May 4, 5, & 6, 2007
- Use of Large Courtroom by John Passmore for Taxpayers Watch Political Forum on September 29, 2006
- Use of Gazebo by Heart of Brevard for Halloween Fest on October 28, 2006
- Use of Gazebo by Heart of Brevard for Twilight Tour on December 2, 2006

DISCOVERY & RELEASE REPORT FOR JULY, 2006

The Discovery and Release Report for July 2006 (attachment as part of these minutes) were approved as submitted.

MINUTES:

The minutes of the August 14, 2006 regular meeting were approved as submitted.

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

PRESENTATIONS/RECOGNITIONS

RECOGNITION OF CALVIN F. McCALL

Chairman Guice read Resolution 20-06 recognizing Calvin F. McCall and then presented it to him.

Commissioner Phillips moved to approve Resolution 20-06, seconded by Commissioner Duvall and approved unanimously.

All commissioners thanked Calvin for his many years of public service.

TRANSYLVANIA COMMUNITY HOSPITAL – ANNUAL COMMUNITY BENEFIT REPORT

Bob Bednarek, CEO Transylvania Community Hospital (TCH) reviewed the Annual Report for the hospital.

Some of the key points being:

- The Toxaway Health Center became a department of TCH providing increased access to primary care for residents in the western part of our community
- An Advance Directives and Living Will Planning session was offered to residents in the Etowah/Horse Shoe area.
- Lifeline served 295 subscribers and responded to 132 actual emergency calls in 2005. Home Care completed 16,201 home health visits
- TCH Hospice was in the top 25% of NC counties for the number of patients served.
- They welcomed one new cardiologist, one dermatologist and two family practice physicians to the hospital
- Patient satisfaction reached an all time high of 97% of patients being overall pleased with their care. The Emergency Department received a 90% satisfaction rate which beat the national average by 10%
- A permanent MRI was installed

The Commissioners thanked Mr. Bednarek for all the hospital does and means to this community.

APPOINTMENTS

COUNCIL ON AGING

Commissioner Miller moved to waive the 2 term limit and re-appoint Barbara Greene, Rick Pangle and Barbara Voorhees, seconded by Commissioner Duvall and approved unanimously.

OLD BUSINESS

APPOINTMENT OF TAX COLLECTOR

Manager Wilson explained that at the July 24, 2006 Board of Commissioners meeting the board appointed Genelle Chapman to serve as Interim Tax Collector until the August 28, 2006 meeting, due to the resignation of Mary Ruth Stamey. According to the Attorney General it is the responsibility of the Board of Commissioners to appoint some one to fill that vacancy. For some time the commissioners have discussed the desire to change the elected Tax Collector position to an appointed position. To do so would require a local bill approved by the General Assembly. It was further stated that the hope was that the board would make the appointment with the understanding to the individual appointed that it would be to fill the remainder of the term or until the General Assembly approves a local bill to make the Tax Collector position an appointed one, whichever comes first.

Commissioner Guice asked Dave Neumann, County Attorney to please clarify NCGS 105-349. Mr. Neumann stated that it clearly gives the authority to the Board of Commissioners.

Commissioner Chappell commented that he feels Genelle Chapman is the best qualified to fill this position and that we could not find anyone more experienced and dedicated to the county and its citizens.

Commissioner Miller agreed with Commissioner Chappell regarding her qualifications. He also stated that the issue we have which he is an advocate of is that at some point the Tax Collector position should become an appointed position.

He and past commissions as far back as 1979 have been looking into that possibility. There are 2 possibilities to consider for the remaining 2 years of the term of Mary Ruth: 1) to appoint the Interim Tax Collector, Genelle Chapman; or 2) to appoint and combine the Tax Collector and Tax Assessor positions.

Commissioner Phillips stated that he feels there are 2 distinct issues. To replace the Tax Collector as was vacated by Mary Ruth Stamey, with the most qualified person whom he feels is Genelle Chapman. And the issue of whether or not to make the Tax Collector position an appointed one which he feels should be decided by ballot.

Commissioner Duvall also agreed that Genelle Chapman is extremely qualified to fill the position. However he feels that it is time to explore combining the two departments (Collections and Assessing) by appointing the Tax Assessor as Tax Collector.

Chairman Guice stated that this is an opportunity to put politics aside and to promote efficiency and cost savings. Combining the tax collections and tax assessing departments could result in a net of savings of \$90,186 to the taxpayers of Transylvania County.

After much discussion, Commissioner Duvall moved to appoint the Tax Assessor as Tax Collector of Transylvania County until such time as either the State Legislature makes it an appointed office or until the end of Mary Ruth Stamey's term and that we instruct him to combine the two offices into one, seconded by Commissioner Miller.

Commissioner Chappell asked for a point of clarification on whether we need to have nominations according to our Rules of Procedure. Attorney Neumann stated that the rule to which Commissioner Chappell referred to applies to Boards and Committees.

Commissioner Duvall requested to ask the question and to read the Motion again.

Commissioner Chappell requested that each members vote be recorded.

Chairman Guice read the Motion (to appoint the Tax Assessor as Tax Collector of Transylvania County until such time as either the State Legislature makes it an appointed office or until the end of Mary Ruth Stamey's term and that we instruct him to combine the two offices into one) and called for a vote. The Motion passed by a 3-2 vote. Commissioners Chappell and Phillips voted no. Commissioners Duvall, Miller and Guice voted yes.

CLERK TO THE BOARD

Manager Wilson reported that in June the Board of Commissioners appointed the County Manager to act as Interim Clerk to the Board. There was discussion on the duties of the clerk and how best to supervise the duties. It was noted that there were problems in the past with split responsibilities, it being difficult to do Administrative Assistant and Clerk duties at the same time. There were 3 options discussed:

The first option is to leave the position as is, "Clerk to the Board", reporting to the Board of Commissioners.

Pros: Reports directly to the Board, doesn't get caught up in the day to day operations; focuses only on the Clerk's responsibilities, minutes, indexing, etc.

Cons: Unless specific goals and outcomes are given the measure of performance can be difficult.

The second option is to leave the position as is, "Clerk to the Board" reporting through the County Manager versus the County Commissioners.

Pros: Doesn't get caught up in the day to day operations; focuses only on the Clerk's responsibilities, minutes, indexing, etc. More direct supervision of this position on a day to day basis.

Cons: Another person for the County Manager to supervise and evaluate.

The third option is to assign the duties to an Administrative Assistant to the County Manager.

Pros: Since an Administrative Assistant would report to the County Manager, this person would be knowledgeable of

activities going on; Closer supervision could be given since the Commissioners are not always present to observe performance.

Cons: Since the Administrative Assistant reports to the County Manager there would be a balancing act between other duties and the specific duties of the clerk. This is another person for the County Manager to supervise and evaluate.

The commissioners discussed the necessity for being involved in the interview and hiring process, but agreed that day to day supervision should be handle by the County Manager.

Commissioner Miller moved to support Option 2 as recommended by the County Manager, but to retain input and responsibility for the selection process, seconded by Commissioner Chappell and approved unanimously.

NEW BUSINESS

WORK FIRST PLAN

Carson Griffin, Social Services Director spoke about the Work First Plan. The first thing to do is to decide whether or not our county will be an electing county or standard county. In the past the Board of Commissioners decided to be a standard county. An electing county has more freedom as to the programs but also assumes more risk as related to funding. The Social Services Board recommends that the county remain as a standard county.

In addition the new plan requires that a new planning committee be formed to develop the plan. The Social Services Board recommends the following appointments to the committee:

1. Community Based Organization----Lynn Adams, TVS
2. DSS Board Member—Edgar Israel
3. Board of Local Management Entity—Keith Parker
4. Local Public Health—Kim Rogers
5. Local School System—Jeff McDaris
6. Business Community—Tonya Newman (Kingsbridge House)
7. Board of County Commissioners (to be selected)

Commissioner Chappell volunteered to serve as the Commissioners representative on the new planning committee.

Commissioner Duvall moved to remain a standard county, seconded by Commissioner Phillips. Commissioner Chappell then moved to amend the Motion to include the members as recommended by the Social Services Board plus Commissioner Chappell. The Motion was voted upon and passed unanimously.

NC EMERGENCY MANAGEMENT ASSOCIATION REQUEST FOR ACTION

David McNeill, Emergency Management Director reported that over the last two years the State's Emergency Response Commission (SERC) has started determining how and where Homeland Security grant funding would be appropriated. In FY 2006 Homeland Security funding was allocated by the SERC to state managed resources without any input or consideration for local Emergency Management Agency program needs. The North Carolina Emergency Management Association does not support this action and recommends that local Emergency Management Agencies be allowed to apply for these funds and legislation be passed that would allow for input by the North Carolina Emergency Management Association as to the use of the funds.

Commissioner Chappell moved to send a letter to representative Trudi Walend, Senator Snow, Congressman Taylor, Senators Burr and Dole endorsing the recommendations of the NC Emergency Management Association, seconded by Commissioner Phillips and passed unanimously.

PROPOSED ECONOMIC DEVELOPMENT STRATEGIC PLAN

Tad Fogel spoke to the commissioners about the draft 2006-2009 Economic Development Strategic Plan. The plan has 6 goals with 24 separate tasks and 103 sub-action items identified. Mark Burrows, Economic Development Director asked that staff be allowed to share this proposed plan with the community and get their feedback. Commissioner Chappell asked if we could have this plan under a separate link on the website. Mark Burrows said it would be done if the commissioners wish.

Commissioner Miller moved to accept the report and recommendations and to put the plan on the website, seconded by Commissioner Chappell and passed unanimously.

REQUEST TO PARTICIPATE IN COMPREHENSIVE SYSTEM WIDE PARKS AND GREENWAY PLAN FOR TRANSYLVANIA COUNTY, BREVARD AND ROSMAN

Manager Wilson reported that the Brevard City Council has asked the Board of Commissioners to consider joining the City in developing a comprehensive parks, recreation greenways and open space plan for the County, City and Town of Rosman. Such a plan will examine the current Park and Recreation facilities and make recommendations for upgrading, expansion of facilities and the addition of new facilities and programs. The plan would suggest priorities and identify unused or underused properties and facilities owned by the three governments that could be utilized for these purposes. The plan would include objective criteria for the evaluation of future land acquisitions and park construction. Each recommendation would include a cost estimate. This is an opportunity to partner with the City to develop a comprehensive parks and greenway plan that will help guide our local governments in the future. By doing a comprehensive study all parties will save money as opposed to doing separate studies. The County's estimated portion of the study is \$20,000 (Split between the City and County).

Commissioner Duvall asked if we could have more time to consider. Commissioner Miller requested that we have a presentation by the City and to have them available to answer some questions.

Commissioner Chappell moved to decline participation in the Parks and Greenway Plan, seconded by Commissioner Phillips.

Commissioner Duvall stated that he would like to look and other options and to hear more about this plan.

Commissioner Chappell withdrew his Motion.

Commissioner Duvall made a Motion to have the City of Brevard come and answer some of the questions they have, seconded by Commissioner Phillips and approved unanimously.

CONTRACT WITH JOYCE ENGINEERING TO OBTAIN BIDS FOR CONSTRUCTION OF CELLS 5 & 6

Manager Wilson reported that at the last commissioner's meeting Joyce Engineering presented a Master Plan for future development of the landfill. According to their estimated numbers the current cell will be full by mid 2008. In order to have additional capacity available at that time we must start preparation for construction in the Spring/Summer of 2007. Joyce engineering has prepared the following time line and contract to meet the required schedule.

Task 22 Design Hydro geologic Report and Water Quality Monitoring Plan 120 days to complete Estimated Cost \$80,000 (to be billed on time and expense basis)

Task 21 Facility Plan 30 days after the completion of
Task 22 Cost \$20,000 lump sum

Task 23 Construction Plan Application 60 days after the completion of Task
22 Cost \$45,000 lump sum

Task 24 Erosion and Sediment Control Plan 60 days
After completion task 22 Cost \$10,000 lump sum

Task 25 Response to NCDENR Comments -
Cost \$20,000 billed on time and expense basis

Task 26 Bid Phase Services -
Cost \$40,000 lump sum

Task 27 Construction Administration and Quality Assurance
Cost \$250,000

This time frame would allow for going out to bid in March/April, 2007 and hopefully awarding the bids in April/May with work to start in May/June, 2007.

He requested approval to enter into a contract with Joyce Engineering for Tasks 21, 22, 23, 24, 25 and 26. The estimated cost of these tasks is \$215,000. He also asked to have permission to negotiate the activities included in these tasks that will benefit the county. We need further clarification about Task 27 before we proceed further with Joyce Engineering.

Commissioner Chappell moved to authorize Manager Wilson to negotiate tasks 21-26 with Joyce Engineering and the money to come from the Solid Waste Fund, seconded by Commissioner Duvall and approved unanimously.

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USE OF ROGOW ROOM

Anna Yount presented a Facilities Use Request for the Rogow Room by Broad River Insurance to the commissioners for their approval.

Commissioner Duvall moved to approve the Facilities Use Request of the Rogow Room by Broad River Insurance, seconded by Commissioner Phillips and approved unanimously.

MANAGER'S REPORT

Manager Wilson had one item to report to the board. Last year David McNeill mentioned that there are Incident Command Systems courses that are going to be required to be able to obtain federal dollars. These courses must be completed by September 30, 2006 and are mandatory. The courses will be offered on Sept. 20th & 21st and on Sept 23rd & 24th. He will send out information to the commissioners tomorrow.

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PUBLIC PARTICIPATION

Chairman Guice called for any public comment. There was no public comment.

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. With the five commissioners, county manager, Attorney David Neumann and the recording secretary present, seconded by Commissioner Chappell.

The group entered closed session at 10:30PM.

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 go back into Open Session, seconded by Commissioner Chappell and approved unanimously.

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 such time as the issue is no longer sensitive, seconded by Commissioner Duvall and unanimously carried.

There being no further business to come before the board, **Commissioner Chappell moved to adjourn the meeting, seconded by Commissioner Miller and unanimously carried.** The meeting adjourned at 11:00p.m.

ATTEST:

W. David Guice, Chairman

Interim Clerk to the Board