

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING – September 25, 2006**

The Board of Commissioners of Transylvania County met in regular session on Monday, September 25, 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, and Kelvin Phillips. Commissioner Ray Miller was absent.

Staff members present were Manager Artie Wilson, County Attorney Jeanne Hall, Finance Director Gay Poor, Human Resources Director, Sheila Cozart, Tax Assessor/Collector David Reid, Transportation Director Keith McCoy, Project Manager Larry Reece, Library Director Anna Yount, Social Services Director Carson Griffin and Recording Secretary Sherry Simpson.

Media: *Transylvania Times* – Derek McKissock  
*Times-News* – Jonathan Rich

Chairman Guice offered the invocation and Commissioner Duvall led the Pledge of Allegiance.

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

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

There was no public comment.

**AGENDA MODIFICATIONS**

There were 3 Agenda Modification:

1. Under Item IV A, Consent Agenda an additional Facilities Use Request was added;
2. Manager Wilson requested that an addition Closed Session Item be added under Item XI Closed Session pursuant to NCGS 143-318.11(a)(5) Real Property
3. Commissioner Duvall requested that Facilities Use Requests be moved from the Consent Agenda to Item VIII D New Business.

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

**CONSENT AGENDA**

The following items were approved:

MINUTES:

The minutes of the September 11, 2006 regular meeting were approved as submitted.

DISCOVERY & RELEASE REPORT, AUGUST 2006

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

**PRESENTATIONS/RECOGNITIONS**

RECOGNITION OF DEBORAH LYNN PRESSLEY

Chairman Guice read Resolution 25-06-06 recognizing Deborah Lynn Pressley upon her retirement.

**Commissioner Phillips moved to approve Resolution 25-06, seconded by Commissioner Duvall and approved unanimously.**

All commissioners thanked Lynn for her many years of public service and dedication to the county.

## **APPOINTMENTS**

### BOARD OF ADJUSTMENT & APPEAL

**Commissioner Duvall moved to re-appoint Rick Lasater and Carl Brown, seconded by Commissioner Chappell and approved unanimously.**

## **OLD BUSINESS**

There was no Old Business.

## **NEW BUSINESS**

### REORGANIZATION IN TAX COLLECTOR/TAX ASSESSOR & CHILD DEVELOPMENT

Manager Wilson reported that the staff in the Tax Collector and Tax Assessors office are proposing organizational changes in the departments. The changes suggested are as follows:

#### **A. Reorganization in Tax Collections and Tax Assessing:**

\* Upgrade the position of Deputy Tax Collector (Grade 14) to Assistant Tax Collector (grade 22) **impact +\$4,903 including fringes**

\*The Lands Records Supervisor position (Grade 22) which is now vacant be downgraded to a Tax Assistant position (grade 14). **Impact -\$17,555**

\*Increase the pay for Assistant Tax Assessor additional duties of supervision of Land Records **Impact + \$2,618**

\*Upgrade 2 Tax Collections Clerks (Grade 12) to Tax Assistant (Grade 14) to allow cross function work in both tax collections and tax assessing **Impact + \$4,275**

\* Per our Personnel Consultant increase Tax Assessor Position (Grade 31) to Tax Assessor/Collector (Grade 32) **Impact +\$4,012**

\*Eliminate funding for Tax Collector Position **Impact -\$64,624**

\*Eliminate part time Position in Tax Collections **Impact - \$7,503**

\*Eliminate Part Time Position in Revaluation **Impact -\$28,059**

**Net Impact - \$101,933 on an annual basis**

**Commissioner Chappell moved to approve the re-organizational changes for the Tax Collector/Tax Assessor offices, seconded by Commissioner Duvall.**

Commissioner Phillips then stated that this motion should be made pursuant to the motion that was made to set this office up for 2 years, and that being dependent upon what is done at the legislature, because at this time this may or may not be a permanent situation.

Chairman Guice stated that we have asked the county attorney to do some research and that after the research is

done to have the Attorney General's office to look at the research and give us some confirmation as to what direction we should go in the future. He also noted that clearly the decision was once Mr. Reid was appointed the Tax Collector the motion was that those offices were to be consolidated until the next election cycle or until a change is made by the North Carolina Legislature. We are still operating under that scenario, so any funding changes that would be made is for the current situation.

**Chairman Guice then called the vote and the Motion was approved unanimously.**

Manager Wilson then outlined the proposed changes for Child Development.

### **B. Reorganization in Child Development**

\*Eliminate the position of Day Care Teacher 1 (Grade 15) and replace with an Ed Aide 1 (Grade 8) **Impact - \$7,037**

**Commissioner Duvall moved to approve the changes in Child Development, seconded by Commissioner Phillips, and approved unanimously.**

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**LAYOUT FOR OLD LIBRARY**

Chairman Guice stated that in March 2006 during the Planning Workshop the Commissioners discussed the matter of the old library and DSS 3<sup>rd</sup> floor. It was at that time where the Commissioners gave some specific instructions to staff. Those instructions were to develop a plan within 120 days for the old library to be used for Administration and to develop a plan for the use of the old Administration building as a courtroom and a holding cell. Again during the June 2006 Budget Workshop the Commissioners discussed the renovation of the old library and had actually set aside \$605,150 during fiscal year 2005-2006 and during the workshop and additional \$635,408 for fiscal year 2006-2007 for this project.

Manager Wilson then reported that he had asked Larry Reece, Project Manager to work with the Finance Director, Personnel Director, himself, Chairman Guice in looking at the layout for the old library. A layout has been developed for both the upstairs and downstairs areas. The plan includes offices for the Finance Office, the Personnel Office, County Manager, Board of County Commissioners, and Clerk to the Board, Administrative Assistant and Transportation Department. He went on to review the layout of both floors with the Board. There is also a large area that has been designed to serve as Commissioners Chambers, but is also designed to be utilized as a multi purpose room, i.e. training room, meeting room, etc. This room has removable tables and chairs that can set up and arranged as needed.

Manager Wilson also noted that he has been working with Steve Smith, Health Department Director on the plans for to expand their space into the 3<sup>rd</sup> floor of the DSS building and in the Community Services Building.

Commissioner Phillips stated that he is not sure that the old library is the best long term place for Administration. He feels that even though it would set the move back a few years we should consider using the current Sheriff's Department building once they are relocated to the new Public Safety Facility as space for Administration and possibly use the old library as a museum.

Chairman Guice spoke to the security issues at the current courthouse and the need for better security in the hallways and the fact that being able to utilize the old Administration building as a possible courtroom and holding facility would greatly help towards better security. We need to be mindful of the safety of other staff in the courthouse such as the Register of Deeds, Tax Offices, and Clerk of Court. We need to take steps towards improving security now until such time as a new courthouse can be considered.

Chairman Guice then asked those in attendance if anyone had any questions they would like to direct to the

Commissioners regarding this matter.

Gay Poor addressed the commissioners and thanked them for considering the new location for the Administration offices. She also voiced concern expressed by her staff about the restrooms being in the non-secured part of the building. Manager Wilson replied that this has been brought to his attention and that in most of our areas such as Social Services there is the same type of arrangement with the restroom facilities and that we are not expecting to have as much traffic in the new building as we currently experience.

Chairman Guice asked if there was anyway to make a doorway to the restroom in the Finance Director's office that staff could utilize? Manager Wilson stated that is not possible because that is actually a vault. He also stated that we can take this matter into consideration, but that they did not want to have someone have to buzz someone into the restroom facilities, which would also give them access to the secured area of the building, every time there is a need. Chairman Guice noted that he understood the concerns of Ms. Poor. Commissioner Duvall pointed out that there are restrooms downstairs in the secured area for those that are concerned.

Keith Keller asked if the building had been checked for radon and mildew since we are planning on having offices down there. He also asked about security at the back stairwell. Manager Wilson replied that we have had offices there in the past with no problem.

**Commissioner Duvall made a Motion that we approve the drawings and move ahead with the process of finalizing the drawings and going out to bid, seconded by Commissioner Chappell. The Motion passed on a 3-1 vote with Commissioner Phillips voting no.**

#### UPDATE ON MENTAL HEALTH

Manager Wilson gave an update of the current mental health issues that have come up with the closing of New Vistas/Mountain Laurel on October 31, 2006. There have been several meetings with many of the key people, including a meeting held today in which they have concluded that there are 3 areas of major concern. The first being the issue of emergency crisis services and how those services are going to be performed. Transylvania County Community Hospital and Spruce Pine Hospital are the only 2 facilities in the eight county area that do not provide psychiatric services in house. Those services have been provided by "private providers" and in our case New Vistas/Mountain Laurel. The stakeholders will meet again next Monday and the LME will have identified providers that are looking to provide services for this. We have the children's mental health area covered by private providers that have taken that responsibility. The real question comes in the area of adult services. This will be a topic of discussion at the meeting on Monday.

The second area of major concern is Psychiatric Services. New Vistas/Mountain Laurel will provide these services thru October 31<sup>st</sup>. Commitment has been made by Mr. Callison that this Thursday, September 28<sup>th</sup> their Dr. Stanton will be here to provide an open clinic where patients can walk in, and get their meds. They hope to be able to have an open clinic 2-3 times a week after the initial one on September 28<sup>th</sup>. LME is looking at the possibility of contracting with some of the people currently working with New Vistas/Mountain Laurel. Appalachian Counseling has expressed an interest. LME will be providing guidelines as to how the charges are to be handled.

The third area of concern identified is access to medication. They have asked New Vistas/Mountain Laurel how it is currently being done. We are also requesting through Arthur Carder to have someone from the State come and take a look at how this is going to work in a rural county.

#### FACILITIES USE REQUESTS

Chairman Guice reviewed the Facility Use Requests presented on this Agenda. Commissioner Duvall expressed concern over the Courthouse Lawn request by Mr. Benson Galloway from September thru December. He does not feel that reserving a county facility for 4 months is a good policy. This would prevent anyone else from being able to utilize the facility. It was suggested that we approve Mr. Galloway's request only for the months of September and October. He could then submit another request for November and December.

Chairman Guice asked if the commissioners would like to have staff bring this issue back before the board, possibly revising county policy on the length of time one can reserve a county facility. All commissioners agreed that would be a good idea.

**Chairman Duvall made a Motion to approve the requests as modified, seconded by Commissioner Phillips, and approved unanimously.**

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### **PUBLIC PARTICIPATION**

Chairman Guice called for any public comment.

Mr. Stanley Turner stated that in light of the controversy about the e machine voting, some counties and states have lawsuits, some are considering dropping use of the machines and going back to paper ballots. He asked what the status of this county was and what if anything were we doing. Commissioner Duvall stated that was something that needs to be directed to the Board of Elections. Manager Wilson replied that we recently purchased new electronic voting machines and in the near future training will be taking place. The State of North Carolina made the decision which voting machines would be acceptable and we only had one vendor that met the states criteria. It does have a paper trail with it though.

Chairman Guice asked Manager Wilson to contact Judy Matthews, Board of Elections to discuss any concerns she may have encountered about the e-voting machines.

### **COMMISSIONERS' COMMENTS**

Chairman Guice called for any comments from the commissioners.

Commissioner Chappell reminded everyone of the Taxpayers Watch to be held Friday, September 29<sup>th</sup> here in the Large Courtroom from 7:00 – 10:30pm.

There being no further business to come before the board, **Commissioner Chappell moved to go into Closed Session pursuant to NCGS 143-318.11(a)(6) Personnel and NCGS 143-318.11(a)(5) Real Property and that the Manager, Clerk, Human Resources Director and Attorney be allowed to remain for the Real Property session and that the Clerk and Attorney be excused for the Personnel Session, seconded by Commissioner Chappell, and unanimously carried.**

### **CLOSED SESSION**

The group entered closed session at 9:00 p.m. Commissioners Guice, Chappell, Duvall, and Phillips, and Manager Wilson, Human Resources Director Sheila Cozart, Attorney Jeanne Hall and the clerk were present.

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

No action was taken.

The second item discussed in closed session involved the review of 16 applications received for the position of Clerk to the Board. Sheila Cozart had summarized the applications and after review the Board narrowed the interview list down to four individuals. Ms. Cozart was instructed to schedule a time for interviews and time for each of the four to take a skills test at Blue Ridge Community College.

No action was taken.

**Commissioner Duvall moved to re-enter open session, seconded by Commissioner Phillips and**

**unanimously approved.**

**OPEN SESSION**

The group entered into 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 Phillips and unanimously carried.** The meeting adjourned at 9:30 p.m.

ATTEST:

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W. David Guice, Chairman

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Interim Clerk to the Board