

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING – October 9, 2006

The Board of Commissioners of Transylvania County met in regular session on Monday, October 9, 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, and Ray Miller. Commissioner Kelvin Phillips was absent.

Staff members present were Manager Artie Wilson, County Attorney Dave Neumann, Finance Director Gay Poor, Tax Assessor/Collector David Reid, Annette Raines, Charlene Stone, Social Services Director Carson Griffin and Recording Secretary Sherry Simpson.

Media: *Transylvania Times* – Kim McQueen

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

PUBLIC COMMENT (sign-in required)

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

James Keenan asked the board what we are doing to be sure that the new public safety facility and the new animal shelter are energy efficient. Manager Wilson replied that as we start the process of each of those facilities we ask the architects to build in as best we can all the energy efficiencies that are cost effective. The county has been proactive along this line as shown by the new windows that were installed in the courthouse and other facilities.

Chairman Guice asked Manager Wilson to make available to Mr. Keenan a copy of the document we use when we reviewed the new public safety facility as relates to green facilities. He noted that there is a list of items looked at as well as being a document that the architects recommended as we move forward with the construction of the new facility.

Joe Castro expressed his concern about the Facilities Use Request Form for a church sponsored candidate forum being held in the courtroom. He opposed the approval of this request stating that it would set a dangerous precedent. The church is not supposed to be involved in politics.

Chairman Guice said that there would be a request from the board to remove this request from the Consent Agenda and have it placed under New Business, which will allow for discussion on the matter at that time.

John Waldo also expressed his concern about the granting of this request.

AGENDA MODIFICATIONS

There was one Agenda Modification:

1. The Facility Use Request from WGCR was removed from the Consent Agenda and moved to Item VI B;
2. Item VI B Manager's Report was moved to Item VI C.

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 September 25, 2006 regular meeting were approved as submitted.

OLD BUSINESS

REPORT ON DELINQUENT TAX COLLECTION

David Reid reviewed the September 2006 tax collection efforts. Several positive changes have been made this month and they are listed below.

- New Property Owner Letters – The letters were sent out to new property owners earlier than in past years. These letters advise new property owners of the taxes due on their property and the date they are due.
- Debt Set Off – This change involved using the daily batch distribution instead of using the individual receipts and comparing them to the debt set off book, which cut the amount of time spent on this significantly. Also the letters for this year will be mailed out in October instead of December.
- Address Corrections – Now all address corrections noted on the back of payment stubs are pulled and corrections made as they come in. The process of sending the bills back out to the correct address has also been streamlined. There are also discussions with the Communications Department on how to coordinate efforts to maintain a good address database that all departments could benefit from.
- Mortgage Companies – They are now processing requests for tax bill information from mortgage companies digitally verses writing the information out by hand.
- Phones & PCs – New phones have been added to the work counter so the phones can be answered right there instead of having to walk across the office.
- Presorting Mail – All large mailings are now being presorted which will reduce postage costs.
- Delinquent Collections – As of the close of the day the Tax Collectors office has collected \$201,375.35 in delinquent taxes. Work has begun on contacting and working on numerous delinquent tax payers that are our largest accounts. Also all payment plans are being reviewed.
- Collection Rate – The office is currently running about 1.2% ahead of last year, collecting \$3,891,546.65 so far this year.

Future Plans include:

- Making significant changes in the software currently being used;
- Requiring that all taxes be paid before a deed can be recorded;
- Working with law enforcement in an attempt to improve the collection of taxes on mobile homes.

WORK FIRST PLAN

Carson Griffin presented the Draft Work First Plan. She noted that pages 11 & 25 are incorrect and will be replaced with the correct information before being signed by Chairman Guice. She noted that the Department of Social Services Board had already approved the plan.

Commissioner Duvall moved to approve the Transylvania County Work First Plan for 2007-2009, seconded by Commissioner Chappell, and unanimously approved.

MENTAL HEALTH

Manager Wilson presented two proposals to provide mental health services in Transylvania County for the Commissioners consideration. They are as follows:

1. Families Together

Phase 1 would target 120 Adults and 80 Children; of the 120 adults 80 would be state funded and 40 would

be Medicaid/Health Choice. Phase 2 is targeted for December 15 and would increase the IPRS clients to 100.

To accomplish this Families Together has requested \$50,000 from the County, and office space for a maximum of 12 months. The LME has recommended \$44,342.

2. Phoenix Behavioral Health

Would provide emergency services during the day and would have physician coverage 24/7. They would be the safety net for unassigned consumers for up to 45 days until the consumers were transitioned to another provider.

To accomplish this Phoenix Behavioral Health is requesting \$15,000 in one time start up funds and an on going \$2,000 per month fee to provide 24/7 physician coverage. They will provide their own space.

<i>Summary:</i>	<i>Requested</i>	<i>LME Proposed</i>
Families Together	\$50,000 Start Up Free Office Space	\$44,342 Start Up Free Office Space
Phoenix Behavioral Health	\$15,000 Start up \$24,000 on going	\$15,000 Start Up \$24,000 o going
Total	\$89,000 + space	\$83,342 + space

There is \$83,342.24 left in Maintenance of Effort funds.

Carson Griffin then explained the difference between IPRS Plan and Medicaid Health Choice Plan. An IPRS client is not eligible for Medicaid or those public assistance programs, but they are in the target population, therefore the State pays for those clients. The IPRS reimbursement is much lower, therefore the problem with practices not wanting to accept all IPRS patients.

Judith West mentioned that another one of the issues with IPRS is the State mandated documentation, which is lengthy and cumbersome at best.

Mark Emory from Transylvania County Hospital stated that their mental health patient visits are up 78% since state reforms, which has necessitated the doubling of their security force at the hospital. He then stated that the hospital is willing to help the county as much as they can.

Commissioner Miller asked what happens with those patients who still will not be covered by these proposed plans. Manager Wilson responded that we are diligently looking for other providers. Some of these clients have already moved on to Appalachian Counseling for services.

Manager Wilson reported that he had asked Steve Smith, Director of Transylvania County Health Department to look into any grant monies that may be potentially available. Steve Smith did find one grant for \$75,000 that would fit into this category. He has completed the grant paperwork and personally hand carried the grant to Raleigh last Thursday, October 5, 2006. Manager Wilson stated that we do not know if we will be granted the funds, but we had a lot of people come forward and support the grant. We have also been in touch with our legislators making them aware of our situation.

Commissioner Chappell moved to authorize the county manager to negotiate with Families Together and Phoenix Behavioral Health up to the maximum amount requested, and that these funds are to come from the Maintenance of Effort Funds and contingency if needed, seconded by Commissioner Duvall, and approved unanimously.

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NEW BUSINESS

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REQUEST NCDOT TO ADD LIME KILN LANE TO STATE MAINTAINED SECONDARY ROAD SYSTEM

Manager Wilson reported that the County Economic Development Department has been working with the owners of Sytronics on NC 280 to add Lime Kiln Lane to the State maintained secondary road system. A resolution requesting that NC Department of Transportation add the road to the Secondary Road System if the road meets minimum criteria established by the Department of Transportation has been prepared to send to NCDOT along with the signed petitions.

Commissioner Miller moved to approve Resolution 26-06, seconded by Commissioner Duvall, and unanimously approved.

FACILITIES USE REQUEST FROM WGCR

Commissioner Miller stated that this request has generated some discussion among people who are concerned about the issue of separation of church and state. Because he was involved in some of these discussions he felt it was important to give people a chance to talk about it. We have allowed forums to be held in the courthouse sponsored by the taxpayers group as well as the Chamber of Commerce in the past. He stated that he seen nothing that prohibits an organization like WGCR radio from holding a forum assuming it is non-partisan and done by the IRS guidelines.

Marshall McCauley, Democratic Party Chairman shares Commissioner Miller's concern that it needs to be absolutely neutral and fair. He also stated that he did have a concern about a church related organization hosting a forum during the election season. He also agreed with Commissioner Miller that they have every right to hold a forum in this courtroom. He then noted that he has spoken with Reverend Barton and expressed his concern to keep religion out of politics and politics out of religion.

Chairman Guice stated that the issue before this board has to do with the using of a county facility for a forum.

Keith Parker expressed his discomfort in the legal definition of what conspires. It might be a relevant issue on how it is conducted, as to whether it is a defacto religious meeting or truly a non-partisan forum. How can you spell out the guidelines to assure it does not become a sponsorship of one or the other or the ministry? He stated that he has a little legal discomfort about what constitutes a religious meeting in a government setting.

Dave Neumann, County Attorney stated that his concern is that for us to approve this without getting some type of guidelines with an assurance that it will be non-partisan.

Commissioner Chappell stated that what we are approving is the use of a public building.

Chairman Guice mentioned that the request is from WGCR radio for a non-partisan meet the candidate forum.

Dave Neumann stated that we could approve a non-partisan forum by a radio station.

Joe Castro stated that WGCR by its very name is Christian radio, church based, church operated and because of that you can not remove the religious element. He feels that we are treading very dangerously on the separation of church and state.

Commissioner Chappell again stated that what we are approving is the use of a public building.

Mason Sexton stated that WGCR gave all candidates 30 minutes of free airtime during the primary election, with the stipulation that no one on their staff would do the interview. They have also granted the same 30 minutes of free

airtime to all candidates in the general election, with the stipulation that you don't trash other candidates. He also stated that all that is being requested is the use of this facility for a non-partisan forum. As a candidate he welcomes that. He encouraged the commissioners to approve the request.

John Waldo stated that when we take something that is largely based on this religious belief or that religious belief the criteria in a public forum of a candidates character, then we are bringing religious belief into the political forum in a way which he feels can be very detrimental to the calm discussion of issues.

Commissioner Duvall moved to approve the Facilities Use Request by WGCR for a non-partisan meet the candidates forum, seconded by Commissioner Chappell, and unanimously approved.

MANAGER'S REPORT

Manager Wilson reminded the commissioners about the funeral for Roy Chapman. Visitation will be from 1:00 – 3:00pm at Grace Baptist Church, funeral services at 3:00pm with burial at Pisgah Gardens following the service.

He also reported that staff has met with the City staff to discuss the floodplain study with a potential provider. He hopes that within the next few weeks to be able to bring back to the Board of Commissioners and the City Council a recommendation about a potential provider for the floodplain study.

He has also met with the City Manager about the RFQ on the Recreational Study and looked at a draft of that. Rick Pangle has provided the information and we are now leaving the RFQ to the City to process and send out.

One Stop Voting is ready to go in the old library building. The keys have been turned over to the Board of Elections and the security is now in their hands.

Manager Wilson stated that the Board of Commissioners will meet in closed session on Thursday, October 12, 2006 for the purpose of interviewing candidate for the Clerk to the Board position.

PUBLIC PARTICIPATION

Chairman Guice called for any public comment.

James Keenan thanked Commissioner Duvall for his article in the recent Transylvania Times.

Marshall McCauley stated that the Commissioners voted appropriately to allow the forum to occur, but that we need to be very careful we do not slip over the line of mixing church and state.

Daryle Hogsed stated that the Commissioners made the right decision and that it will be up to the hosts as to whether they will abide by the IRS regulations.

COMMISSIONERS' COMMENTS

Chairman Guice called for any comments from the commissioners.

There being no further business to come before the board, **Commissioner Miller moved to adjourn the meeting, seconded by Commissioner Chappell and unanimously carried.** The meeting adjourned at 9:00 p.m.

ATTEST:

W. David Guice, Chairman

Interim Clerk to the Board