

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING – October 23, 2006**

The Board of Commissioners of Transylvania County met in regular session on Monday, October 23, 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, County Attorney Dave Neumann, Finance Director Gay Poor, Human Resources Director, Sheila Cozart, Tax Assessor/Collector David Reid, Transportation Director Keith McCoy, Health Department Director Steve Smith, Recreation Department Director Rick Pangle, Cooperative Extension Director Eric Caldwell, and Recording Secretary Sherry Simpson.

Media: *Times-News* – Jonathan Rich

Commissioner Miller offered the invocation and Commissioner Phillips led the Pledge of Allegiance.

**PUBLIC COMMENT**

(sign-in required)

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

Mr. Joey Galloway signed up to speak to the Commissioners but asked that he be allowed to speak during the Agenda Item VIII C 'Proposal to Release Predator Beetles to Control Woolly Adelgid at Silvermont'.

**PUBLIC HEARING**

Chairman Guice declared the public hearing open. The hearing was on FY 2007-08 Section 5311 Transportation Grant Application.

Transportation Director Keith McCoy reported that the Transportation Department is requesting permission to apply for the FY 2007-2008 5311 Grant for Transportation programs for the county. This grant covers 85% of administrative costs and 90% of capital costs. The administrative portion is paid for on an 85% federal basis, 5% state and 10% local. The capital portion is paid for on a 90% state, 10% local basis. The total administrative portion is \$162,607, which would require a local match of \$24,391. The capital request is \$1,248 with a \$125 required local match. The total grant request is \$163,855 with a requested local match of \$24,516. The administrative portion of the grant is an increase over last year of \$10,462. The capital they are requesting is for replacement of some communication equipment. They do not need any new vans this year.

Ms. Mitchell with Vision asked what the utilization of the transportation program is. Keith McCoy estimated that on a daily basis they serve 120-130 people per day.

Keith Keller asked if the dialysis trip to Hendersonville every other day (Mon., Wed., & Fri.) is sufficient for the patients. Keith McCoy replied that it has been working fine and that the Dialysis Center is very good to work with us if the need arises. Mr. Keller then asked what provisions are made for the people served at the meal sites for food on the weekends. Keith McCoy replied that they do not supply food for the weekends but that starting this time of year they distribute some canned and dry goods for them to take home in case of bad weather.

**AGENDA MODIFICATIONS**

There was one Agenda Modification:

Manager Wilson requested that Item VI A – Appointments/Transylvania Natural Resources Council be

removed from the Agenda.

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

## CONSENT AGENDA

The following items were approved:

### MINUTES:

The minutes of the October 9, 2006 regular meeting and minutes from the October 12<sup>th</sup> Special Closed Session meeting were approved as submitted.

### DISCOVERY & RELEASE REPORT, AUGUST 2006

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

**Commissioner Chappell moved to approve the Consent Agenda, seconded by Commissioner Miller, and unanimously approved.**

## APPOINTMENTS

### TOURISM DEVELOPMENT AUTHORITY

**Commissioner Miller nominated Shawn White to be reappointed to the TDA, seconded by Commissioner Duvall, and approved unanimously.**

**Commissioner Chappell moved to waive the 2 term limit and re-appoint Linda Vande Weghe, seconded by Commissioner Phillips and approved unanimously.**

**Commissioner Miller nominated David Guice to fill the expired term of Commissioner Miller, seconded by Commissioner Duvall, and approved unanimously.**

## OLD BUSINESS

### UPDATE ON MENTAL HEALTH

Manager Wilson reported that the stakeholders group met last Thursday and again today at noon to discuss the mental health situation in the county. From our latest information the Transylvania Community Hospital has reached an agreement with New Vistas Mountain Laurel to purchase the building on Hospital Drive. In the agreement with Families Together the County agreed to provide 6 months of free rent to them. We estimate the cost will be \$7,000 for six months by renting from the hospital. In order to have both Parkway and Families Together providing services by November 1, there may be some other minor expense we need to cover. Families Together has hired the person who is responsible for Patients Assistance (Free Medications) and agreed to help continue that program. Parkway has also agreed to become a provider if needed in the community. Attached is the latest information from the LME looking at service providers in the county. We are continuing to close the gaps. Also, Steve Smith, Health Department Director has applied for a grant in the sum of \$75,000 and we should hear about that sometime around November 30th.

Manager Wilson requested the authorization to spend up to \$15,000 to get these two agencies operational by November 1.

Commissioner Duvall asked where we were with our MOE funds. Manager Wilson replied that all MOE funds have

already been spent.

Commissioner Duvall suggested allocating additional funds over the \$15,000 requested by Manager Wilson for other things that may come up in the near future. Commissioner Chappell agreed that Commissioner Duvall makes a very good point in that we should at least look at setting aside additional funds for possible future expenses.

**Commissioner Duvall moved to authorize the manager to find space for Families Together for 6 months and take care of any items that are required to make them operational by November 1, 2006. The amount is not to exceed \$15,000 and will be reported back at the next commissioner's meeting. He also would like to set aside another \$15,000 as a contingency in case something else comes up, seconded by Commissioner Chappell and approved unanimously.**

## NEW BUSINESS

### PRIVATE WELL PROGRAM

Steve Smith, Health Department Director reported that the General Assembly passed a bill requiring private well inspections effective July 1, 2008. The Division of Environmental Health recognizes that this is a concern for many counties and is providing a monetary incentive to counties to help start up a program. The amount that is available to Transylvania County is \$40,000 and we have indicated that we would make application for those funds this year. The Board of Health is recommending that the County start the private well program effective April 30, 2007 and use the \$40,000 in funds to help fund the program. One of the key issues will be the recruitment of an Environmental Health Specialist since there will 13+ positions being recruited to start up this program in the Western part of the state. We believe that starting up the program one year prior to requirement will put us in a good position of recruitment and will give more leverage on obtaining the \$40,000 in grant funds. On an ongoing basis the Health Department estimates that permit fees for well permits will generate \$25,000 in revenue and operational costs will be in the range of \$56,000 excluding a vehicle. The well permits alone will not cover the cost of the Environmental Health Specialist but we believe that with the backlog of waste water permits that we have the position will generate sufficient revenue through utilization of their time in this area to cover the remainder of their cost on an annual basis and at the same time give better customer service to the building industry.

Commissioner Phillips said he had heard that there is some movement to repeal the legislation and is expecting some information he requested from Representative Trudi Walend in the next day or so.

Chairman Guice asked Manager Wilson to have this item placed on the Agenda for the November 13, 2006 meeting which would allow us time to see what information comes from Representative Walend.

### REQUEST TO ESTABLISH FLU VACCINE FEE FOR 2006-2007

Steve Smith, Health Department Director requested that a fee of \$25.00 be established for private pay individuals along with discretion to provide 150 doses of flu vaccine to Transylvania County Volunteers in Medicine and indigent patients free of charge during the 2006-07 flu season be approved by the commissioners. The recommended fee is consistent with neighboring counties.

**Commissioner Miller made a Motion to approve a \$25.00 fee for private pay individuals and allow 150 doses of flu vaccine to be provided to Transylvania County Volunteers in Medicine and indigent patients free of charge, seconded by Commissioner Phillips and approved unanimously.**

### PROPOSAL TO RELEASE PREDATOR BEETLES TO CONTROL WOOLY ADELGID AT SILVERMONT

Eric Caldwell gave a brief history of the Hemlock Woolly Adelgid (HWA) to the commissioners. The HWA is native to Asia and first discovered in the US on the west coast in the 1920s. It was discovered in Virginia in the 1940s and

realized that it was very devastating to our native eastern hemlocks. Today in Virginia's Shenandoah Valley approximately 90%-99% of the hemlocks are dead or dying. In the upper ends of Transylvania County you see a noticeable difference in the hemlock population. The hemlocks at Silvermont are infested with the Hemlock Woolly Adelgid. The Parks Commission has developed a plan to save some of the larger hemlocks at Silvermont. Several trees have been treated by using a soil applied chemical treatment. This treatment generally lasts between 1 and 2 years and costs \$300-500 per tree based on tree diameter. We have been discussing an experimental plan with N.C. State University about releasing predator beetles (Sassie) at Silvermont in April 2007. We have spoken to Dr. Horan and Diana Zerby about this for several months and would like to proceed with the order of 1,000 Sassy Beetles at a cost of \$2,300. Our plan would be to release the beetles in April with help with Dr. Horn and Dr. Sidebottom and Dr. Hain with N.C. State University and Dr. Ken Duke and Dr. Jenifer Frick-Ruppert with Brevard College. If this is successful it will save the county in the long run from having to remove the trees. The City of Brevard has ordered 1,000 beetles to place in their watershed on Cathy's Creek.

Mr. Joey Galloway spoke to the commissioners and applauded Brevard for their effort to stock Sassy Beetles on the Old Brevard Watershed property. Mr. Galloway is commercially licensed in outdoor pest management. He pointed out that the use of these beetles will be the first experiment with them at our elevation and within our micro-climate. They have been proven to prey on adelgids in various studies and *may* reproduce at our elevation, but there are many unknown variables. He feels that this should be just one tool in the toolbox to fight the Woolly Adelgid.

The question was asked 'what happens if the beetles feed on woolys that have fed on chemically treated trees'? Eric Caldwell replied that the adelgids have been found to prefer to feed on untreated trees, so it should not present a problem.

Commissioner Duvall stated that we need to carefully identify what we consider the most valuable trees on the property and treat them with a more reliable method. The experimental use of the beetles should be used on the other trees.

Commissioner Chappell stated that he would like to see the results of Brevard's release in the watershed first in a year or two.

Commissioner Phillips suggested that we assess what trees we want to save, and the cost to treat them chemically as compared to using the beetles.

**Commissioner Duvall made a Motion to spend \$2,500 on Sassie Beetles, seconded by Commissioner Miller.**

Further discussion was held among the commissioners.

**Commissioner Duvall requested to withdraw the Motion to spend \$2,500 on Sassie Beetles and Commissioner Miller agreed.**

**Commissioner Chappell made a Motion to direct staff to assess trees and the costs to treat them both chemically and with the beetles and to come back with a proposal, seconded by Commissioner Duvall, and approved unanimously.**

#### OFFICIAL PAYMENTS

Finance Director, Gay Poor reported to the commissioners that over the past several years, Transylvania County offices have had numerous requests to accept credit card payments. The most frequent requests have been for property tax bills, EMS bills, Solid Waste charges, Health Department fees and Building Permitting and Enforcement fees. In response to these requests, she submitted a proposal that the County consider using Official Payments Corporation as a third-party merchant service provider.

Official Payments allows citizens to make payments via the Internet or telephone with major credit cards (Visa,

MasterCard, American Express and Discover) as well as PIN-less debit cards with a Visa or MasterCard logo. There is a fee for this service which would be paid by the citizen, not the County. The citizen is made aware of this as well as the amount of the fee several times in the payment process and must confirm the fee in order to complete the transaction and receive a confirmation number. The entire payment process would take approximately 4 minutes from start to finish. She requested that the commissioners authorize her to contract with Official Payments Corporation to provide electronic payments service to the county.

Commissioner Chappell asked if we could have the directions for the procedure printed up and placed at the library. Ms. Poor replied that she would see that it is done.

Chairman Guice asked how long it would take to have this service operational. Ms. Poor replied approximately 6 weeks.

**Commissioner Chappell made a Motion to authorize the Finance Director to contract with Official Payments Corporation to provide electronic payments service to the county, seconded by Commissioner Phillips and approved unanimously.**

#### MANAGER'S REPORT

Manager Wilson reported:

- The RFP for Vehicle Maintenance will be presented to the commissioners at the November 13<sup>th</sup> meeting;
- The RFP for the Parks & Recreation Study was presented to the Retiree Resource Network to see if they would be able to help on it. They felt that they did not have the qualifications and suggested that it go out to bid;
- We have received 2 responses back from our RFP for the architectural firm for the Animal Shelter. They are under review now and we hope to have a recommendation back to the commissioner shortly.

#### **PUBLIC PARTICIPATION**

Chairman Guice called for any public comment. There was no public comment at this time.

#### **COMMISSIONERS' COMMENTS**

Chairman Guice called for any comments from the commissioners.

Commissioner Chappell reported that he had presented the Resolution 21-06 Thanking the Christian Action League of North Carolina which was approved at the September 11, 2006 Board of Commissioners meeting. He stated that they warmly expressed their gratitude and were very pleased and surprised and wanted to thank each commissioner for passing that resolution.

He also commended the Board of Elections staff for the great job and hard work they are doing for the Early Voting.

Chairman Guice stated that he has asked the County Attorney, Dave Neumann and staff to address an issue that as Chairman of the Board of Commissioners came to his attention by way of a newspaper article. It had to do with allegations concerning our County Manager and his son. He then invited the County Attorney to speak to the issue.

Dave Neumann stated that he attended a meeting in his office with Gay Poor, Rick Pangle, David McNeill and the County Auditor, Terry Anderson whereby all public bids Mr. Scott Wilson bid on were carefully reviewed for compliance, proper procedure and lack of bias and preference. It is his formal legal opinion that all public bidding procedures were properly followed regarding Mr. Scott Wilson and his business and that any accusations against Mr. Scott Wilson and his father Mr. Arthur Wilson to suggest that Mr. Scott Wilson was given preferential treatment and/or there was a type of bid rigging, not only are false but are considered defamatory. Mr. Scott Wilson got only

two of six bids and in each case was the low bidder.

Chairman Guice stated that it is his responsibility to ask the staff and our auditing firm to look into this matter. He considers this his responsibility as Chairman to address immediately when something of this nature comes to his attention. When ones integrity is questioned it is a very serious matter. As far as the question of documentation, we have the documentation and statements from staff that were involved in this matter. There is clearly no indication that our county manager or his family did anything wrong. The county, county manager and all involved were in compliance with state and federal laws.

Dave Neumann noted that the county manager had nothing to do with the bids.

There being no further business to come before the board, **Commissioner Duvall moved to go into Closed Session pursuant to NCGS 143-318.11(a)(6) for a personnel matter and that the Manager and Human Resources Director be allowed to remain, seconded by Commissioner Phillips, 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 were present.

The item discussed in closed session involved the general discussion about candidates and interviews held for the position of Clerk to the Board.

**Commissioner Miller 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.

**Commissioner Miller made a Motion to seal the minutes of Closed Session, seconded by Commissioner Duvall, and approved unanimously.**

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 9:20 p.m.

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W. David Guice, Chairman

ATTEST

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Interim Clerk to the Board