

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING – November 13, 2006

The Board of Commissioners of Transylvania County met in regular session on Monday, November 13, 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, Project Manager Larry Reece, Transportation Director Keith McCoy, Health Department Director Steve Smith, Library Director Anna Yount, Emergency Management Director David McNeill, Captain Eddie Lance, SRT Medic Larry Miller, Human Resources Director Sheila Cozart, Solid Waste Director Jeff Brookshire and Recording Secretary Sherry Simpson.

Media: *Transylvania Times* – Kim McQueen
Times-News – Jonathan Rich

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

Chairman Guice then introduced Commissioner Elect Lynn Bullock and Daryle Hogsed. They will be sworn in on Monday, December 4, 2006.

PUBLIC COMMENT (sign-in required)

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

Susan Hindman announces that at 7:00am in the Gazebo on December 1, 2006 there would be a silent vigil to honor World Aides Day.

AGENDA MODIFICATIONS

The following Agenda Modifications were made:

1. Under New Business Item VI K (Priority List Transportation Improvement Program (TIP) was added;
2. Item VI B Manager's Report was moved to Item VI L.

Commissioner Chappell 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 October 23, 2006 regular meeting were approved as submitted.

FACILITIES USE REQUEST

Use of Silvermont for Model Railroad Convention on October 12 & 13, 2007 was approved.

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

OLD BUSINESS

FY 2007-2008 SECTION 5311 TRANSPORTATION GRANT APPLICATION

Transportation Director Keith McCoy reported that they are requesting permission to apply for the 2007-2008 Section 5311 Transportation Grant. He noted that on October 23rd a public hearing was held regarding the application for the FY 2007-08 Section 5311 Transportation Grant. Other than the comments made at the public hearing they have not received any further input from the public. The proposed grant is for \$163,855 which will require a local match of \$24,516, or basically 15% of the requested amount.

Commissioner Miller moved to approve the FY 2007-2008 Section 5311 Transportation Grant Application, seconded by Commissioner Phillips, and unanimously approved.

PRIVATE WELL PROGRAM

Health Department Director, Steve Smith spoke to the commissioners regarding the private well program. He noted that he wanted to summarize some of the information presented at the last meeting. Some of the primary motivators for the Board of Health's recommendations. The two advantages of early implementation were:

1. The ability to get in front of the line for funding that has been promised by the General Assembly;
2. It will also put us ahead of the curve for recruitment of the environmental health specialist. At a minimum he sees 13 positions added in our region, and with an insufficient pool of qualified persons, it behooves us to try to get a little ahead of the recruitment curve.

The other issue that has not been emphasized enough is our customer service obligations and work load demand that is more specific to the septic system program that we have now. There has been about a 25% increase in workload demand, just for septic systems. They currently have 3.2 FTE's covering these demands. They want to maintain their turnaround time which has always been 2 weeks, and that would yield the potential for half time and $\frac{3}{4}$ of a position, just to meet that demand.

Commissioner Chappell asked what the turnaround time in surrounding counties was. Steve responded that they range from 4 weeks to 2 months.

Steve Smith also noted that one thing that creates an advantage for early implementation is April 2007 to July 2008 although it will reflect the state standards it will be a local ordinance.

Terry Crowe asked for a step by step description of what will be required. Steve Smith replied that they have received a draft ordinance from DENR that would essentially have to adopt as a local ordinance.

Commissioner Phillips shared a concern that he has been asked 'why are we in such a hurry to start charging citizens for the well program?'

Sarah Champion stated that for sometime this summer where we were quoting 8-10 weeks out to have someone come out on septic systems. Also there is now development on land much more difficult to develop, so it is taking them longer to issue permits. It seems there is a staffing need in the department anyway.

Commissioner Duvall moved to approve the implementation of a well program by April 30, 2007 and respond to NCDENR that we are prepared to proceed given we get the \$40,000 in grant funds, seconded by Commissioner Miller, and unanimously approved.

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NEW BUSINESS

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REQUEST TO PLACE SCULPTURE AT NEW LIBRARY

Manager Wilson reported that the Brevard Community Appearance Commission requests permission to place a Blue Heron Sculpture and bench in the rain garden of the new library along Gaston Street. He presented pictures of the location of the Blue Heron and bench. He also noted that he has met with Anna Yount and Mr. Russell Newton; Chairman of the City's Community Appearance Commission and they see no problem with the sculpture or bench. Eric Caldwell has also looked at the placement and has determined that the sculpture and bench will not adversely impact the workings of the rain garden. If the location is approved, the County will enter into a Lease Agreement with the City as done in the past.

Commissioner Miller moved to approve the location of the Blue Heron sculpture and bench and authorize the County Manager to enter into a lease agreement with the City, seconded by Commissioner Duvall, and unanimously approved.

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REQUEST FOR FIRE FUNDS

Emergency Management Director, David McNeill said that he had received a letter from Connestee Fire Rescue, Inc. requesting \$12,000 in fire funds to be used as part of the down payment on a recently purchased ladder/service truck. According to them this will reduce the monthly payment by several thousand dollars.

At the end of FY 2005-06 there was \$34,841.55 in funds in the reserve account for Connestee Fire Rescue with \$22,385 designated to meet the FY 2006-07 fire budget. This would leave a balance of \$12,456.55 available. According to figures in FY 2005-06 revenues exceeded budget by \$12,285.08. If this money is given to the fire department now there is a possibility that next fiscal year the fire tax rate may have to increase since there will be no reserve to help meet the budget.

David Carter spoke to the board and state that if this is approved it will save approximately \$18,000 over the life of the loan, which is 20 years.

Commissioner Duvall moved to approve request and encourage them to bear in mind there will be no reserve next year and to look very carefully next year at the budget, seconded by Commissioner Phillips, and unanimously approved.

GRANT OF EASEMENT ISLAND FORD RIVER ACCESS

Manager Wilson reported that the Grant of Easement for the Island Ford River Access has expired and the County would like to extend the easement for an additional 25 years in consideration of the sum of Two Thousand Five Hundred and no/100 dollars. The easement would be given by Charles H. Taylor and Elizabeth O. Taylor.

Commissioner Miller moved to approve the Grant of Easement for the sum of \$2,500. Monies to come from the contingency fund seconded by Commissioner Phillips and approved unanimously.

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SURPLUS VANS

Manager Wilson reported that we currently have four transportation vans that need to be declared surplus. They will be sold by State Surplus.

Commissioner Chappell moved to approve declaring vans 17, 19, 22 and 23 as surplus and to be sold by State Surplus, seconded by Commissioner Duvall and approved unanimously.

CLOSE OUT OF NEW LIBRARY PROJECT

Chairman Guice stated that we had the groundbreaking on May 8, 2004, construction started on May 10, 2004, the ribbon cutting was held on May 13, 2006, and the doors to the new library were opened on May 15, 2006. Since the day we opened over 106,423 visitors have come through the library doors. That is a 63.2% increase over the same period last year. 6,637 people have attended programs and meetings at our new library. The final cost of the new library is \$6,993,284.84, which is \$506,715.16 under budget. The breakout of revenue was the Library foundation paid \$2,319,215.28 (33.2%), the County \$3,218,082.56 (46.0%) and grants \$1,455,987 (20.8%).

He thanked the Library Foundation for their fund raising efforts and the partnership we had in making this new library a reality. In addition, he recognized Mr. David Watkins for his outstanding contribution to Transylvania County via his service as Member and Chair of the Transylvania County Library Trustees.

He then read Resolution 31-06 in Recognition and Commendation of the Transylvania County Library Foundation, Inc. Board of Directors.

Commissioner Duvall moved to approve Resolution 31-06, seconded by Commissioner Phillips and approved unanimously.

He then read Resolution 27-06 in Recognition of David K. Watkins' Service to Transylvania County.

Commissioner Miller moved to approve Resolution 27-06, seconded by Commissioner Chappell and approved unanimously.

REQUEST FOR PROPOSAL TRANSYLVANIA COUNTY VEHICLE MAINTENANCE

Manager Wilson reported that at the request of the Board of Commissioners, staff has developed a Request for Proposal for County Vehicle Maintenance. Staff has spent many hours working on this proposal contacting Transportation Directors, Finance Directors and Purchasing Agents through out the state. What we discovered was that not many governments had developed such a proposal.

Currently the County has an agreement with the City of Brevard to provide vehicle maintenance and furnish fuel for county vehicles. The City furnishes the county a monthly statement by vehicle of the parts and the gasoline used. As far as labor goes the County pays a fixed sum each year for the maintenance. This current year the fixed fee increased from \$50,000 to \$73,000. The City also emails the parts and gasoline usage by vehicle to the County Transportation Department which enters the data into a program that keeps the historical information by vehicle.

The Board of Commissioners should note that the current agreement requires that to terminate the contract a six month written notice should be given to the other party. The contract also states that "should either party terminate this agreement, the County agrees to purchase from the City, at the City's cost, all inventory on hand which is usable only in county vehicles".

If the Board of Commissioners wishes to go out to bid for this service, the County must give the City six months notice of possible termination.

Finance Director, Gay Poor came forward and asked if the commissioners had any questions she could answer for them. Commissioner Duvall asked Gay Poor how many vehicles were included in the RFP. There are between 104-108 vehicles. The EMS ambulances are not included, neither are the vehicles at the landfill. The total projected maintenance for vehicles is \$123,000 for this year.

Transportation Director, Keith McCoy stated that our current preventive maintenance agreement with the City is based on time and not mileage. Each vehicle goes in for PM every other month. This proposal is based on mileage and not a time basis.

Commissioner Miller moved that we do not go out for an RFP, seconded by Commissioner Duvall.

The current contract does not have an ending term and Commissioner Guice stated that we should approach this with legal counsel and set an ending term from this point forward.

Commissioner Phillips stated that we won't know if we are getting the best deal unless we send out an RFP.

After more discussion Chairman Guice called the vote.

The vote was 4-1. Commissioner Phillips voting no.

REQUEST FOR QUALIFICATIONS FOR CONTRACT SERVICES RELATED TO ARCHITECTURAL DESIGN FOR REPAIR AND REMODELING OF COUNTY FACILITIES

County Manager Wilson reported that the County Finance Office requested Requests for Qualifications for Architectural Design for the remodeling of county facilities by advertising such in the local news paper. Only one proposal was received. It was discussed with the Institute of Government and we were told there was no minimum number of proposals that are required. The proposal received was from Richard L. Worley, A.I.A. Architect. Mr. Worley's firm has been used on a number of county projects over the years and has done a very good job. He recommended that the county enter into an agreement with Mr. Richard Worley for architectural services for repair and remodeling of county facilities.

Commissioner Chappell moved to authorize the County Manager to enter into an agreement with Richard L. Worley, A.I.A. Architect for architectural services related to repair and remodeling of county facilities, seconded by Commissioner Phillips and approved unanimously.

REQUEST FOR PROPOSAL FOR DOZER

County Manager Wilson reported that a Request for Proposal was sent out for replacement of a small dozer at the landfill. Two companies responded; Van Lott, Inc. with a John Deere product and Carolina Tractor with a Caterpillar product. The price after trade-in was as follows:

Caterpillar	\$ 85,557.42
John Deere	\$ 91,065.00
Difference	\$ 5,507.58

Both pieces of equipment were demonstrated on site for two weeks and after the demonstration period staff all agreed that the John Deere handled better, had more power and pushed loads easier than the Caterpillar machine. The chief mechanic stated that in his opinion the final drive on the John Deere machine is configured in such a way that will require less maintenance than the other machine. Based on data furnished by each manufacturer the John Deere will use 1.0 gallon less fuel per hour than the Caterpillar machine. Another concern expressed when following up with users of the caterpillar machine was the service provided.

Based on a cash flow analysis over a ten year period, the most the most cost effective machine would be the John Deere equipment. This along with the comments about handling, maintenance, less fuel consumption and service all support the recommendation of purchase of the John Deere dozer.

Commissioner Phillips moved to approve authorize the purchase of the John Deere dozer, seconded by Commissioner Duvall, and unanimously approved.

APPOINTMENT OF CLERK TO THE BOARD

Chairman Guice reported that on October 12, 2006 interviews for the position of Clerk to the Board were conducted by himself, Commissioners Chappell and Phillips, staff including the County Manager and Human Resources Director. At the October 23, 2006 BOC meeting commissioners discussed in closed session the qualifications and experience of all candidates and reached a consensus on the top candidate. At this time he brings to the board the name of the candidate for their consideration for appointment to the position of Clerk to the Board. That candidate is Trish McLeod.

Commissioner Duvall moved to accept the recommendation and appoint Trisha McLeod to the position of Clerk to the Board effective January 2, 2007, seconded by Commissioner Chappell, and unanimously approved.

REQUEST FROM SHERIFF'S DEPARTMENT

Captain Eddie Lance and SRT Medic Larry Miller came before the board to request permission to purchase 10 Level III Tactical Vests for the Special Response Team (SRT). Currently the Response Team uses protection Type II vests that will not provide the level of safety needed when encountering superior weapons. The estimated cost of the vests is \$18,000 with the Sheriff's Department obtaining \$15,722 in grants and other funds towards the vests.

After a brief PowerPoint presentation and a firearms demonstration Chairman Guice stated that if we are sending officers into dangerous situations they need to be properly protected. He suggested the authorization of 13 (one for each member of the SRT) Level IV Tactical Vests at a cost of approximately \$2,000 each.

Commissioner Phillips also suggested we consider Level IV Tactical Vests for the SRT.

Commissioner Duvall made a motion to authorize the purchase of 13 Level IV vests for \$26,000 with the understanding that they will repay as much of the \$26,000 when they receive the funds from the federal government, seconded by Commissioner Guice and approved unanimously.

PRIORITY LIST TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

County Manager Wilson reported that on Friday, November 17, 2006 the DOT is holding a public input session for Division 14 (of which Transylvania County is part of). The purpose of this session is to look at what is in the proposed TIP and also input for the next TIP in 2009. He has asked Dana Hawkins of the Transportation Advisory Committee to see if there were any additional recommendations from the last plan. Given that it is unlikely that US 64 West from Highlands to Franklin could be improved on its current alignment he has asked for a feasibility study for an alternate route to the north and west possibly utilizing the new NC 215 project currently on the TIP to Macedonia Church Road, to NC 281 North, to NC 107 towards Cullowhee and from there along US 441 to Franklin. They have also looked into moving many of the projects up. The RPO is looking at scheduling a meeting with our 2 representatives to talk about this issue. All projects on the TIP are not moving forward.

The other item that has just come up is the Rock Creek Bridge on US 64 West. They have found that the bridge can not support a certain weight. This has hampered the industry in the community who hauls material into Jackson County and Macon County through US 64. The bridge has been shored up but the shoring has been washed out and once again there has been a weight limit restriction on the placed on the bridge. This is a major artery for Transylvania County and has a major economic impact on the county. We need to see if we can get the bridge replacement moved up and put on the TIP, which it is not right now.

Manager Wilson asked to approve the priority list with a notation that we would like to get bridge 27, Rock Creek Bridge replaced as soon as possible.

He has talked with the RPO and they said that they would write a letter in support of replacement of this bridge. Also, when they meet with the 2 state board representatives, the RPO would be supportive of the action to try to get this bridge replaced as soon as possible.

Commissioner Miller made a motion to approve the priority list with the addition of the replacement of Bridge 27, Rock Creek Bridge as soon as possible, seconded by Commissioner Chappell and approved unanimously.

MANAGER'S REPORT

County Manager Wilson reported on items that will be presented at the next commissioners meeting:

- RFP for Architects for the Animal Shelter. It is currently being reviewed by Steve Smith at the Health

Department;

- Public Hearing for an incentive grant for Jennings Truss;
- Report back from Chairman of the Economic Development Advisory Board, about all the meetings that they have gone to regarding the Economic Development Strategic Plan;
- Information regarding a request from Lake Toxaway Fire Department about a ladder truck;

Thursday, November 16, 2006 from 2:00 - 4:00pm will be Geoff Shepherd's retirement party at the Sheriff's Department. Also, at the December 11th meeting he hopes to bring the audit before the board.

PUBLIC PARTICIPATION

Sarah Champion spoke about the Animal Control contract with the City. She stated that since all City tax payers are also county tax payers that the only thing that the City should pay for animal control services is any additional services above and beyond what was requested by the City.

COMMISSIONERS' COMMENTS

Chairman Guice called for any comments from the commissioners.

Commissioner Chappell announced that Daniel Nicholson was injured in Iraq. There has been a fund set up through Anchor Baptist Church to help the family if anyone is interested in helping the family with their expenses.

D. Guice stated the County Manager and Tax Assessor's Performance Evaluations will be discussed at the November 27th meeting in closed session. He asked each commissioner to submit written comments to him by Wednesday, November 22nd.

There being no further business to come before the board, **Commissioner Phillips moved to adjourn the meeting, seconded by Commissioner Miller and unanimously carried.** The meeting adjourned at 9:15 p.m.

ATTEST:

W. David Guice, Chairman

Interim Clerk to the Board