

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING – December 11, 2006

The Board of Commissioners of Transylvania County met in regular session on Monday, December 11, 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: Jason Chappell, Daryle Hogsed, Lynn Bullock and Kelvin Phillips. Commissioner David Guice was absent.

Staff members present were Manager Artie Wilson, County Attorney Dave Neumann, Finance Director Gay Poor, Project Manager Larry Reece, Library Director Anna Yount, Economic Development Director Mark Burrows, Social Services Director Carson Griffin, Tax Assessor/Collector David Reid, Soil & Water Director, Jeff Parker and Recording Secretary Sherry Simpson.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Hogsed offered the invocation and Commissioner Bullock led the Pledge of Allegiance.

PUBLIC COMMENT (sign-in required)

There were no citizens signed up to speak at this meeting.

AGENDA MODIFICATIONS

Manager Wilson reported on the Agenda Modifications requested. Under Appointments Item C, Board of Health and Item D, Joint Historic Preservation Committee were added. Under New Business Item B, Stream Bank Stabilization Project was added and moved the remainder of the Items down.

Commissioner Phillips moved to approve the agenda as amended, seconded by Commissioner Bullock, and unanimously approved.

CONSENT AGENDA

The following items were approved:

MINUTES:

The minutes of the November 27, 2006 regular meeting were approved as submitted.

Commissioner Hogsed stated that there were 2 changes on the December 4, 2006 Swearing In Ceremony and Organizational Meeting minutes; on page 2 under Inspection and Approval of Official Bonds Commissioner Bullock made the Second to the Motion and under Appointment of County Attorney, Commissioner Phillips made the Second to the Motion. The changes were made and the minutes were approved as amended.

FACILITIES USE REQUESTS

The use of Silvermont on July 10, 2007 by the American Association of University Women for a post book sale party was approved.

The use of the large courtroom by the Democratic Party for Executive Committee meetings, 2nd Tuesday of each month in 2007 was also approved.

Commissioner Phillips moved to approve the Consent Agenda as amended, seconded by Commissioner Hogsed, and unanimously approved.

APPOINTMENTS

LAND OF SKY REGIONAL COUNCIL

Commissioner Hogsed nominated Chairman Chappell and Vice-Chairman Phillips to serve as primary and alternate on the Land of Sky Regional Council, seconded by Commissioner Bullock, and unanimously approved.

PARKS COMMISSION

Commissioner Hogsed nominated Jeffery C. Anderson to serve another term, seconded by Commissioner Bullock, and unanimously approved.

BOARD OF HEALTH

Commissioner Phillips nominated Wiley 'Sim' Cozart to serve another term, seconded by Commissioner Hogsed, and unanimously approved.

Commissioner Hogsed nominated Karen Stark to serve another term, seconded by Commissioner Bullock, and unanimously approved.

Commissioner Phillips nominated Karen Weller to fill the expired term of Robert Youngerman, seconded by Commissioner Bullock, and unanimously approved.

Chairman Chappell nominated Commissioner Hogsed to represent the County Commissioners on the Board of Health.

JOINT HISTORIC PRESERVATION COMMISSION

Commissioner Bullock nominated Betty Sherrill to fill the unexpired term of Daryle Hogsed, seconded by Commissioner Hogsed, and unanimously approved.

PRESENTATIONS/RECOGNITIONS

RESOLUTION HONORING BARBARA NEWMAN

Chairman Chappell reported that effective January 1, 2007 Barbara R. Newman will retire from Transylvania County with 17 ½ years of service. He then read Resolution 32-06 Recognizing Barbara R. Newman.

Anna Yount, Library Director spoke of Barbara's dedication and love of her job. She thanked her for her many years of exceptional service to the library and the community and congratulated her on her retirement.

Commissioner Bullock moved to approve Resolution 32-06, seconded by Commissioner Hogsed, and unanimously approved.

OLD BUSINESS

INCENTIVE GRANT TO JENNINGS TRUSS COMPANY

Mark Burrows, Economic Development Director spoke to the board about the incentive grant requested by Jennings Truss Company. A Public Hearing was held on November 27, 2006 regarding the requested performance based incentive grant of up to \$1.8 million of both real and personal property. The actual incentive grant be determined by the Tax Assessor's office each year over the next 3 years. During the public hearing there was one individual who asked a questions regarding what the wages would be. Mr. Burrows stated that it is not a requirement of our incentive policy, but the gross wages for this past year are approximately \$800,000.

Commissioner Phillips made a motion to approve the Incentive Grant to Jennings Truss Company, seconded by Commissioner Hogsed, and unanimously approved.

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NEW BUSINESS

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FY 2005-2006 AUDIT

Terry Anderson from Carland and Andersen Incorporated Certified Public Accountants have completed the FY 2005-2006 Audit. Mr. Anderson presented the audit to the board.

Commissioner Phillips made a motion to approve the FY 2005-2006 Audit, seconded by Commissioner Bullock, and unanimously approved.

STREAM BANK STABILIZATION PROJECTS

Jeff Parker reported that the Transylvania County Soil and Water Conservation District advertised bids for construction of two stream bank stabilization measures on two projects using Bio-engineering methods such as in-stream rock structures, bank full benches and establishment of riparian vegetation. One is located on the French Broad River and is called the Galloway Project. The other is located on Carson Creek and is called the Connestee Project. The bids were opened on December 7th and the Soil and Water Board will hold a special meeting on Monday, December 11th to make a recommendation to the Board of Commissioners.

The bidders for the Galloway Project were as follows:

Carl's Grading	\$ 100,000
Cantrell Construction	\$ 138,390
Adams Contracting	\$ 147,054
Carolina Construction	\$ 220,134

However, Carl's Grading was disqualified because they have the wrong license classification. Thus the lowest responsible bidder is Cantrell Construction.

The bidders for the Connestee Project were as follows:

Carl's Grading	\$ 24,000
Hendersonville Equip	\$ 37,900
Adams Contracting	\$ 37,941
Cantrell Construction	\$ 53,130

However again, Carl's grading was disqualified because they have the wrong license classification. Thus the lowest responsible bidder is Hendersonville Equipment.

The Soil and Water Board intend to recommend that the bids be awarded to Cantrell Construction (\$138,390 for the Galloway Project) and Hendersonville Equipment (\$37,900 for the Connestee Project).

Mr. Carl Travis spoke to the commissioners regarding the license issue presented. He stated that he has been doing the same kind of construction work under the same license for the last 2 years and the license classification has never been an issue. He also stated that they have another company that they can work under using their license if necessary. He said that they were awarded a contract last year for the county using the same license he submitted for this contract.

Manager Wilson suggested that we have the county attorney do some further checking into the legality of the license issue. Then depending on the response from the attorney's office award the contract to whichever company would be the lowest qualified bidder.

County Attorney, Dave Neumann stated that he would indeed look into the matter and could have an answer fairly quickly.

Commissioner Phillips also stated that we should get the opinion of the Institute of Government.

Commissioner Bullock made a motion to table the awarding this contracts until the county attorney can look into the license issue, seconded by Commissioner Hogsed.

Some further discussion for clarification ensued.

Commissioner Bullock revised his motion to award the contract to the lowest bidder contingent upon the attorney's findings with a 3 day limit to receive recommendation from the attorney, seconded by Commissioner Phillips, and unanimously approved.

REQUEST TO USE ROGOW ROOM AT THE NEW LIBRARY

Ms. Elaine Raynolds has made a request to use the Rogow Room at the new library in order to hold an information session on Mona Vie Health Juice. The request is for use of half of the room on December 29, 2006 from 5:30 PM until 7:30 PM. Since this is for commercial purposes it requires commissioner approval.

Commissioner Hogsed moved to approve the request by Ms. Elaine Raynolds to use the Rogow Room, seconded by Commissioner Phillips, and unanimously approved.

CANCELLATION OF DECEMBER 25TH BOARD OF COMMISSIONER'S MEETING

The second scheduled Board of Commissioner's meeting falls on December 25th, Christmas Day. Per the County Rules of Procedure if a meeting falls on a holiday the meeting will be moved to the next day. In this case Tuesday, December 26 is also a holiday for the County. Since there is no pressing business we recommend that the Board of Commissioners cancel the second meeting in December.

Commissioner Phillips moved to cancel the December 25th Board of Commissioners meeting, seconded by Commissioner Bullock, and unanimously approved.

CLOSING OF COUNTY OFFICES FOR EMPLOYEE CHRISTMAS LUNCHEON

The Employee Christmas Luncheon is scheduled for Thursday, December 14, 2006 from 12:30 PM to 3:00 PM.

We ask approval to close the County offices from 12:15 PM to 3:15 PM to allow the employees ample time to attend.

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Commissioner Hogsed moved to approve authorize the closing of County Offices from 12:15pm to 3:15pm on Thursday, December 14, 2006, seconded by Commissioner Bullock, and unanimously approved.

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MANAGER'S REPORT

Manager Wilson reported on the following:

- The Flood Study Recommendation should come before the board the first meeting in January;
- Currently we are working with the Lake Toxaway Property Owners Association on special rules and regulations for the use of the lake;
- We are continuing to advertise for citizens to apply for Community Appearance Initiative Committee in the Transylvania Times;
- We have received 4 Recreation Study proposals. They have been sent to the City and County Recreation Advisory Committees for them to make recommendations back about who they would recommend to do the study;
- Last Thursday, December 7th he, Eddie Lance, Eddie Gunter, David McNeill, Kevin Shook and Larry Reece went to Charlotte to meet with the architects and engineers to discuss the Public Safety Facility. They had a very productive day and hope in the near future to have plans to bring to the board.

PUBLIC PARTICIPATION

On behalf of the property owners at Comestee Falls Property Owners Association Mr. Joey Galloway thanked the Board of Commissioners and Jeff Parker and his staff for their efforts in protecting the waters in our community.

COMMISSIONERS' COMMENTS

Commissioner Phillips encouraged all citizens to think about serving on one of the many committees of the county.

Commissioner Hogsed read a letter that was mailed to the commissioners and county manager commending Scott Johnson and Mark Green of EMS and the Transylvania Community Hospital staff.

Chairman Chappell thanked Bob Youngerman for his 2 term service on the Board of Health. He also thanked the department heads for their participation in the Salvation Army Bell Ringer campaign.

The Employee Christmas Luncheon is scheduled for Thursday, December 14, 2006 from 12:30 PM to 3:00 PM. We ask approval to close the County offices from 12:15 PM to 3:15 PM to allow the employees ample time to attend.

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CLOSED SESSION

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)(5) Acquisition of Real Property and that the County Manager and County Attorney be allowed to remain seconded by Commissioner Phillips, and unanimously carried.**

A discussion of potential acquisition of real property was held. The Manager was given direction as how to proceed.

Commissioner Phillips moved to re-enter open session, seconded by Commissioner Chappell, and unanimously approved.

OPEN SESSION

The group re-entered open session. Kim McQueen from the Transylvania Times returned to the meeting.

Commissioner Phillips made a Motion to seal the minutes of Closed Session, seconded by Commissioner Bullock, and approved unanimously.

There being no further business to come before the board, **Commissioner Phillips moved to adjourn the meeting, seconded by Commissioner Bullock and unanimously carried.** The meeting adjourned at 8:30pm

ATTEST:

Jason R. Chappell, Chairman

Interim Clerk to the Board