

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**January 28, 2013 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, January 28, 2013 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Vice-Chairman Larry Chapman, Jason Chappell, Chairman Mike Hawkins, Daryle Hogsed and Page Lemel. Also present were County Manager Artie Wilson, County Attorney David Neumann, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Eric Crews

There were approximately 30 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding called the meeting to order at 7:03 p.m.

**WELCOME**

Chairman Hawkins welcomed everyone to the meeting and thanked the members of the audience for participating in their County government. Chairman Hawkins introduced the members of the Board of Commissioners and staff.

**PUBLIC COMMENT**

There were no comments from the public.

**AGENDA MODIFICATIONS**

The Manager reported on the agenda modifications. He requested to remove Item VIII.C Positive Parenting Grant through NC Department of Public Health under New Business and replace it with Request from Little River Community Center-Building Permit Fees.

**Commissioner Chapman moved to approve the agenda as amended, seconded by Commissioner Lemel and unanimously approved.**

**CONSENT AGENDA**

**Commissioner Chapman moved to approve the Consent Agenda. The motion was seconded by Commissioner Hogsed.** Commissioner Lemel asked if facilities requests could be approved by staff and brought to the Board for approval only when a request is outside the normal parameters. The Manager responded that a past Board of Commissioners asked staff to bring forth all facilities requests for approval; however, this Board could give the authority to approve facilities requests to the Manager. Commissioner Lemel commended the Tax Office staff for their persistence in collecting taxes from the current and prior years. She also thanked the City Planning staff for their willingness to fulfill the role as Review Officers for the County. **The motion was unanimously approved.**

The following items were approved:

MINUTES

The minutes of the January 14, 2013 regular meeting and two sealed closed sessions were approved.

FACILITIES USE REQUESTS

The use of the Courthouse gazebo by the Tourism Development Authority to conduct old time street dances on June 18 and 25, July 2, 9, 16, 23, and 30, and August 6 was approved. There is no cost to use the Courthouse gazebo. The use of the large courtroom in the Courthouse by the NC Utilities Commission to conduct a public hearing on April 3 was approved. Charges will be imposed to cover the cost of providing Courthouse security personnel.

DISCOVERY AND RELEASE REPORTS

The Discovery and Release Reports for November and December 2012 were approved. For the month of November, total tax dollars released was \$1,246.45. There were no refunds. For the month of December, total tax dollars released was \$7,471.25. Refunds totaled \$844.75.

2012 DELINQUENT TAXPAYER LIST

Advertisement of delinquent taxes is required per NCGS 105-369(a). Commissioners must approve the list before it is advertised. Any delinquent taxes paid prior to the date of advertisement will not be advertised. Commissioners accepted the 2012 Delinquent Taxpayer List and ordered Tax Administrator David Reid to advertise the list per NCGS 105-369(a).

RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES

Sheriff Mahoney requested that the Board of Commissioners adopt a resolution to allow the his office to enter into mutual assistance agreements with other law enforcement agencies in accordance with reasonable arrangements, terms and conditions as may be agreed upon between respective heads of the law enforcement agencies. A resolution was first approved by Commissioners on January 26, 2009 and according to the minutes should be approved annually. The Board last approved such a policy on January 9, 2012. Commissioners approved Resolution 02-2013 Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies.

(Resolution 02-2013 Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies is hereby incorporated by reference and made a part of these minutes.)

APPOINTMENT OF REVIEW OFFICERS FOR CITY OF BREVARD

The City of Brevard requests that Aaron Bland (City Planner) and Janice Pinson (Administrative Services Manager) be appointed as Review Officers for Transylvania County for the purpose of reviewing development applications with their jurisdiction being the City of Brevard and it extraterritorial jurisdiction. Commissioners approved Resolution 03-2013 Appointment of Review Officers for City of Brevard.

(Resolution 03-2013 Appointment of Review Officers for City of Brevard is hereby incorporated by reference and made a part of these minutes.)

**APPOINTMENTS**COMMISSIONER APPOINTMENTS TO BOARDS AND COMMITTEES

At the previous meeting, Commissioners tabled several Commissioner appointments to boards and committees. There are 14 different boards and committees to which Commissioners serve.

**Chairman Hawkins moved to make the following Commissioner appointments:**

**Commissioner Hogsed – Board of Health; Land-of-Sky Rural Planning Organization; French Broad River Metropolitan Planning Organization-ex-officio member**

**Commissioner Chappell – Personnel Board; Land-of-Sky Regional Council-alternate; Tourism Development Authority; Work First Planning Committee**

**Commissioner Chapman – Juvenile Crime Prevention Council; NC Association of County Commissioners District Director; Chamber of Commerce-ex-officio member**

**Chairman Hawkins – Land-of-Sky Regional Council-primary; French Broad River Water Resources Study Committee; Gorges State Park Advisory Committee**

**Commissioner Lemel – Dupont State Forest Advisory Committee; Smart Start Board of Directors**

**The motion was seconded by Commissioner Chappell.** Commissioner Lemel said it is her hope to understand the role Commissioners play on these boards and the significance to the County Commission by spending time on these boards. She also commented on boards and committees in broader terms and inquired about ways to get more citizen participation in local government. The County is having trouble getting citizens involved with some boards and committees and Commissioner Lemel hopes the Board and staff can establish a concise way of letting citizens know about opportunities to volunteer in the community and also find a way to vet applicants in a consistent manner. She asked staff to find out how other counties manage their boards and committees. Commissioner Chapman noted that some of these boards are dictated by legislative requirements. He agreed with Commissioner Lemel that Commissioners and staff need to find a way to encourage more citizen involvement. **The motion passed unanimously.**

#### BOARD OF EQUALIZATION AND REVIEW

The terms of Charles Duke and Gay Phillips expire at the end of January. There are no term limits on this board and both members are eligible and willing to serve another term. It is also the responsibility of the Board of Commissioners to appoint the chairman annually. Gay Phillips serves as the chairman.

**Commissioner Lemel moved to reappoint Charles Duke and Gay Phillips to another term and to reappoint Gay Phillips as chairman for 2013. The motion was seconded by Commissioner Hogsed.** Commissioner Chapman noted that the Tax Office contacted Mr. Duke about continuing to serve due to recent health issues and Mr. Duke indicated his willingness to continue serving. **The motion was unanimously approved.**

#### HUMAN RELATIONS COUNCIL

There have been several resignations to the Human Relations Council. The Human Relations Council is comprised of 15 members. The County appoints six members to this council and recently all the positions were filled. Over the past couple of months, however, all members but one has resigned for one reason or another. The City of Brevard has vacancies as well. There is only one application on file. The applicant attended a recent Human Relations Council meeting and would very much like to serve on this council and help move them in a better direction. The Manager recommended the appointment of Ed Buckley and for staff to meet with City officials to review the composition of the Human Relations Council and possibly reduce the membership since it has been historically difficult to fill all the positions.

**Commissioner Lemel moved to appoint Ed Buckley to fill one of the vacancies and charged County staff to meet with City staff to address the concerns about this particular committee. The motion**

was seconded by Commissioner Chappell. Commissioner Chapman expressed the same concerns the County Manager voiced about this committee. He suggested a review of the council's mission statement as a starting point to reorganization of this council. **The motion was unanimously approved.**

## NEW BUSINESS

### COUNTY ATTORNEY

County Attorney David Neumann notified the Board of Commissioners in early Fall that he was scaling back his law practice and no longer intended to represent the County as its County Attorney. The County sent out a Request for Qualifications and received one response from a local attorney, Tony Dalton. Mr. Dalton has represented the County before through his involvement with the Department of Social Services. He has a wide range of legal expertise and has practiced law for over 30 years in Transylvania County.

**Commissioner Chappell moved to appoint Tony Dalton as County Attorney and authorized the County Manager to negotiate a contract with him. The motion was seconded by Commissioner Lemel.** Commissioner Chapman preferred Commissioners review and approve the final contract at the next meeting. For the public's information, Commissioner Chapman stated that Commissioners conducted an interview with Mr. Dalton. **Commissioner Chapman made a motion to amend the main motion to state that the final contract will be brought back to Commissioners for final approval. The amendment was seconded by Commissioner Hogsed.** For point of clarification, the Manager asked the appointment of Mr. Dalton as the County Attorney to be effective February 1, 2013 with the understanding that the contract would be brought back to the Board for final review and approval. Otherwise, the County would owe Mr. Neumann another retainer fee. **The amended motion was unanimously approved. The main motion was unanimously approved.**

### UNITED WAY GRANT AWARD FOR HEALTHY SMILES PROGRAM

Healthy Smiles is a 12-year program providing dental education, dental screenings and dental care for kindergarten and elementary school aged children. The grant will provide funding for operational expenditures targeted toward the population aged 6-12 years old. The County has received the first allocation (50%) of the grant and is hoping to utilize the remainder of the funds this fiscal year. No County funds are involved.

The grant award was dedicated to Land of Waterfalls Partnership for Health which is a 501 (c) (3) administered by the Department of Public Health. The Board of Directors for the Partnership has previously approved this grant-funded effort and expansion of the Healthy Smiles program associated with United Way funding.

**Commissioner Lemel moved to accept the United Way grant funding of 50% of the total amount, seconded by Commissioner Chappell and unanimously approved.**

### REQUEST FROM LITTLE RIVER COMMUNITY CENTER – BUILDING PERMIT FEES

The Little River Community Center is planning to build a deck onto the community center. Individuals representing the community center have met with personnel of the Building and Permitting Department and have learned that a permit is required to build a deck. The maximum cost of the permit per the Building Director is \$250. The community center leadership is requesting that the Board of Commissioners waive the permit fee; however, staff is unaware of any instance where permit fees have been waived. Instead the Board has agreed in the past to reimburse community centers for the building permit fees.

This is an item brought forth by Commissioner Hogsed. He pointed out that the Little River Community Center members are trying to improve the community center on a small operating budget. Little River Community Center also serves as a voting poll location so any improvements are well warranted.

Taylor Mackey was in attendance representing the Little River Community Center. He reported this project has been ongoing for a few years. They also had to replace the doors to meet fire codes. A new deck will not only improve the appearance of the facility, but it will improve accessibility as it will include a wheelchair ramp. The cost of the construction and materials has been covered by the citizens of the Little River community.

**Commissioner Chapman moved to reimburse the Little River Community Center up to a maximum of \$250 for a building permit fee for a deck with funds to come from contingency. The motion was seconded by Commissioner Hogsed.** Commissioner Lemel asked why community centers cannot be in category of their own in terms of the permit fee structure. The Manager said the fee structure has been set by the Board of Commissioners and no changes have been recommended for community centers. The Board of Commissioners can establish a different fee structure for community centers if they so choose. Commissioner Chappell suggested Commissioners review the fee structure and make changes so that community centers and others know up front what their costs might be, if any. Commissioner Hogsed inquired about the reimbursement process. The Manager said they should bring a receipt to County Administration indicating the permit fee has been paid and then the Finance Office will issue a check payable to the Little River Community for reimbursement. Commissioner Hogsed commended the community center leadership for their work to improve the facility. He also commended Inspections Director Jeff Fisher and Fire Marshal Gerald Grose for taking time to visit the community center and assist them with this process. **The motion was approved unanimously.**

#### APPLICATION FOR GOVERNOR'S CRIME COMMISSION GRANT

The Sheriff's Special Response Team (SRT) has recently been involved with two incidents that occurred at night which have put the Sheriff's officers at risk because they had no night vision technology. The grant application will allow the Sheriff's Office to purchase state-of-the-art night vision technology. The maximum grant amount is \$10,000 and requires a \$2,500 match. Depending on the type of equipment purchased the grant would allow the purchase of three to ten pieces of equipment. There are ten members excluding the medic on the SRT. The grant application is due on January 31, 2013. If the application is approved the actual expenditure of funds would not occur until after July 1, 2013 and would be part of the FY 2014 Budget.

Commissioner Chappell asked if the Sheriff will be notified if his office has been awarded the grant prior to the start of the new fiscal year. Sheriff David Mahoney said he expects to be notified before July. Commissioner Chappell suggested the possibility of purchasing the equipment ahead of time and then reimbursing the budget with the grant funds so there is no delay in purchasing the equipment. Sheriff Mahoney said he will review the wording of the grant to see if this is possible.

In response to a question from Commissioner Chapman, Sheriff Mahoney stated that his officers will participate in training to learn how to properly use the new equipment. Commissioner Chapman said it is very important that law enforcement have this capability.

**Commissioner Chapman moved to approve the grant application of \$10,000 to the Governor's Crime Commission for night vision equipment. The motion was seconded by Commissioner Lemel and unanimously approved.**

#### MANAGER'S REPORT

The Manager reported the following:

1. New Animal Shelter-The architect visited the facility on January 22 and he was very pleased with the construction. The windows are being installed this week. Staff learned that some items have been delayed which will push the completion date into the April/May time frame. The Friends of the Animal Shelter has now reached its fundraising goal of \$350,000.
2. Renovation of second floor of the Courthouse began on Monday, January 21. Phase one is estimated to take 45 days to complete.
3. The budgeting process is now underway. Staff has been asked to submit their capital requests for the next five years. Departmental operating budget requests are due at the end of February. Staff will be developing a meeting schedule very soon that will cover from now through the end of June.
4. Met with the Chairperson of the Board of Education and Superintendent of Transylvania County Schools to agree on a process by which to understand the needs of the schools and discuss funding. County and School staff are working on a schedule. The goal is to schedule two joint meetings of the Board of Education and Board of Commissioners. The Manager asked Commissioners to let him know of any dates they may be out of town over the next few months so he can narrow down some dates to get these meetings scheduled.
5. Staff is in the process of interviewing for the Building Inspections Director's position. Jeff Fisher is retiring March 1.
6. This past week the Manager worked with a small business in the County that had lost its Hub Zone status. He learned that the business is in a qualified census tract which makes it eligible to be a Hub Zone. This should be confirmed soon. Staff will also look into helping other small businesses in the County by gaining Hub Zone status.
7. Reminded Commissioners of Brevard City Council's planning retreat on Thursday and Friday of this week. Some time will be spent talking about future water needs on Thursday afternoon. Commissioners have been invited to attend the retreat at the Glen Cannon Country Club.
8. Today staff received a letter about the PARTF grant indicating that the County has to report back to the State by the end of February about whether or not it intends to accept the grant funds. This will be an agenda item for a February meeting.
9. Received notice from the Department of Emergency Management that they are completing an audit of the Crisis Housing Assistance Fund (CHAF) program from 2004. This occurred during the major floods from 2004 and Commissioners at the time approved two projects for this County. The State is asking counties to review the projects to ensure compliance. One of the projects can be closed out once the homeowners prove compliance. The other is in the sixth year of a ten year process.
10. Working with the Register of Deeds on issues with her office's recording technology in the hopes that the County will not have to make major investments with another firm. The Manager will keep the Commissioners updated.

Commissioner Lemel thanked the Manager for the help on the Hub Zone issue with the small business.

Chairman Hawkins asked Commissioners to submit their schedules to the Manager so he can work out a meeting schedule for the next few months.

### **PUBLIC COMMENT**

Joe Castro: Mr. Castro, Executive Director of Smart Start, thanked Commissioners for appointing Commissioner Lemel to the Board of Directors. He also asked for some clarification on the Healthy Smiles program grant. He inquired about the population that will be served by the Health Department because Smart Start also contributes funds to this program. Chairman Hawkins recommended Mr. Castro meet with the Manager and Health Director Steve Smith in order to gain an understanding of the grant funding breakdown. Commissioner Lemel pointed out that the supporting materials in the agenda packet

indicates the funds cover a part time dental position and contributes to the same effort as the Smart Start's grant monies do for this program.

### COMMISSIONERS' COMMENTS

Commissioner Lemel reported that she visited two different industries in the County this week. She suggested a tour of other successful manufacturers in the community by Commissioners. She also spoke to the Pisgah Forest Rotary Club about what it is like to be a new County Commissioner and she encouraged the members to attend Commission meetings. Commissioner Lemel met with representatives from Smart Start to learn more about their entity before agreeing to join their board. Today she visited the Tax Office and the Register of Deeds and she said she intends to visit other County departments as well. Commissioner Lemel attended the Leadership Vision program for high school students today, which was a collaborative effort between the Vision program and the Transylvania County School System. She said this is a great program to engage the young people of this community and teach them about the importance of participating in their government.

Commissioner Chapman attended the NC Association of County Commissioners (NCACC) Legislative Goals Conference last week. Over a number of months, counties across the State submitted to the NCACC specific goals they wanted the NC Legislature to review. Over 200 goals were submitted that covered a broad range of issues impacting counties. The goals have been prioritized by the NCACC and all counties will receive a copy very soon. These are the goals that the NCACC will be lobbying the legislators to consider while in session. Commissioner Chapman reported that during the conference Governor McCrory met with the members. Governor McCrory has many areas to address, but one of his biggest priorities is to make North Carolina competitive with surrounding states in terms of jobs and economic development. Commissioner Chapman encouraged citizens to reach out to their representatives at both the State and County level. Chairman Hawkins thanked Commissioner Chapman for representing the County on the NCACC Board of Directors.

Commissioner Chappell announced there are monies available to citizens of Transylvania County for retraining opportunities at Blue Ridge Community College. The monies for these programs come from tobacco settlement dollars. In order to be eligible, citizens must be connected in some way to tobacco, even if through a relative. He said this is a great opportunity to use these monies to the benefit of the citizens.

Commissioner Hogsed thanked David Neumann for serving as the County Attorney for the last 20 years. He expressed sincere appreciation for this service to the County and citizens of this community. Commissioners and the members of the public responded with applause.

Chairman Hawkins commented on the Vision program today. He said three of the students involved participated in a mock County Commission meeting. The rest of the students divided into three different subgroups and they were given an initiative to advocate before the mock Board. Chairman Hawkins expressed how amazing the program was and how excellent the students were in their different roles. He expects there will be some future leaders from this group of high school students.

On a lighter note, Chairman Hawkins shared with the public that he lost a wager with Commissioner Hogsed about which team would win the UNC Chapel Hill/NC State basketball game over the weekend. Being that UNC Chapel Hill lost, Chairman Hawkins had to sing the NC State Fight Song during a County Commission meeting, which he performed to the delight of Commissioner Hogsed. Commissioner Hogsed thanked the members of the public for allowing Commissioners to indulge in a lighthearted moment.

**Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (6) to discuss the annual review of the County Manager, after a 5 minute recess. The motion was seconded by Commissioner Hogsed and unanimously carried.**

#### **CLOSED SESSION**

Pursuant to NCGS 143-318.11 (a) (6) to discuss the annual review of the County Manager, closed session was entered into at 8:15 p.m. Present were Chairman Hawkins and Commissioners Chapman, Chappell, Hogsed and Lemel.

Commissioners met and discussed the annual performance of the County Manager.

**Chairman Hawkins moved to leave closed session, seconded by Commissioner Hogsed and unanimously carried.**

#### **OPEN SESSION**

There was no new business to discuss and no other action was taken.

#### **ADJOURNMENT**

There being no further business to come before the Board, **Chairman Hawkins moved to adjourn the meeting, seconded by Commissioner Chapman and unanimously approved.**

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board