

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
September 12, 2016 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, September 12, 2016 at 7:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

Commissioners present were Vice-Chairman Larry Chapman, Jason Chappell, Chairman Mike Hawkins, Page Lemel and Kelvin Phillips. Also present were County Manager Jaime Laughter, County Attorney Tony Dalton and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Derrick McKissock

There were approximately 20 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding declared a quorum was present and called the meeting to order at 7:02 p.m.

WELCOME

Chairman Hawkins welcomed everyone to the meeting and thanked the members of the public for participating in their local government. He introduced Commissioners and staff in attendance.

PUBLIC COMMENT

Emmett Casciato: Mr. Casciato is the curator of the WNC Military History Museum. He invited Commissioners and the public to attend an exhibit on display at the Aetholwold Hotel from October 22- November 11. The exhibit will display images and personal artifacts from WWI to present day. An opening ceremony will be held at which local officials and various speakers will participate beginning at 10:00 a.m. on October 22. Throughout the duration of the exhibit, a multitude of speakers will talk about different periods in our history and there will be an education component for students. Mr. Casciato is not a veteran, but he started this museum as a way of giving back to those who fight for our freedoms. He envisions a museum that will attract people from all over the nation and that will be positive for the community.

AGENDA MODIFICATIONS

There were no agenda modifications.

Commissioner Chappell moved to approve the agenda as submitted, seconded by Commissioners Lemel and Phillips simultaneously and unanimously approved.

CONSENT AGENDA

Commissioner Lemel moved to approve the Consent Agenda, seconded by Commissioner Chapman and unanimously approved.

The following items were approved:

DONATION OF SURPLUS VAN TO TRANSYLVANIA VOCATIONAL SERVICES

The North Carolina Department of Transportation recommends transportation vans be replaced when they reach 115,000 miles traveled. County Van #31 has been removed from service with a total of 165,003 miles traveled. In order for the van to continue to serve the citizens of Transylvania County, County Transportation Director Keith McCoy is requesting the donation of the van to Transylvania Vocational Services (TVS). North Carolina General Statute 160A-280 allows the county to donate any surplus personal property to a nonprofit organization incorporated in the United States. The County Manager has declared the van as surplus. The approximate value of the vehicle is \$3,000. Prior to the donation the County must post a public notice of its intent to donate the property and then adopt a resolution donating the property at another meeting. The Clerk to the Board posted notice to the public as required. The Board may proceed with the donation of the van. Commissioners approved the donation of the surplus van as described above to Transylvania Vocational Services at no cost via approval of Resolution 27-2016 Donation of Surplus Van to Transylvania Vocational Services.

(Resolution 27-2016 Donation of Surplus Van to Transylvania Vocational Services is hereby incorporated by reference and made a part of these minutes.)

PROCLAIMING CONSTITUTION DAY, CITIZENSHIP DAY AND CONSTITUTION WEEK

September 17, 2016 begins the national celebration of Constitution Week and a weeklong commemoration of America's most important document. A resolution petitioning Congress to set aside September 17-23 annually to be dedicated to the observance of Constitution Week (submitted by the Daughters of the American Revolution) was signed into Public Law #915 on August 12, 1956 by President Dwight D. Eisenhower.

The aims of the celebration are to (1) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; (2) inform people that the Constitution is the basis for America's great heritage and the foundation for our ways of life; and (3) encourage the study of the historical events which led to the framing of the Constitution in September 1787.

Commissioners have passed similar resolutions annually for the past several years. In addition, Bob Ward, Chair of the Constitutional Rights and Responsibilities Section of the NC Bar Association is requesting passage of such a proclamation by all counties and municipalities. Commissioners approved Proclamation 28-2016 – Proclaiming Constitution Day, Citizenship Day and Constitution Week.

(Proclamation 28-2016 Proclaiming Constitution Day, Citizenship Day and Constitution Week is hereby incorporated by reference and made a part of these minutes.)

APPOINTMENTS

PARKS AND RECREATION COMMISSION

Ryan Seymour resigned from the Parks and Recreation Commission. The Clerk advertised and received two applications in addition to the two applications on file. Staff recommended the appointment of one of the four applicants to fill the vacancy on the Parks and Recreation Commission.

Commissioner Lemel nominated and moved to appoint Danny Hein to the Parks and Recreation Commission. The motion was seconded by Commissioner Chapman.

Commissioner Phillips nominated and moved to appoint Kellie Grindstaff to the Parks and Recreation Commission. The motion was seconded by Commissioner Chappell.

Commissioner Chapman spoke in support of appointing Danny Hein. Commissioner Phillips spoke in support of appointing Kellie Grindstaff. Chairman Hawkins stated he was impressed with the quality of applicants, but said he intended to support Mr. Hein.

The motion to appoint Kellie Grindstaff failed by a vote to 2 to 3, with Chairman Hawkins and Commissioners Chapman and Lemel voting against.

The motion to appoint Danny Hein was approved by a vote of 3 to 2, with Commissioners Chappell and Phillips voting against.

OLD BUSINESS

NCACC LEGISLATIVE GOALS

Before each biennial session of the General Assembly, counties submit their legislative proposals to the NCACC. The commissioners from across the State review and approve a comprehensive goals package and then the NCACC sets off to work on legislation that may impact counties.

Included in the Board's agenda packet is a handbook that explains the rules, procedures and guidelines for the legislative goals adoption process. The goals submission deadline date to the NCACC is September 23. The Board discussed this item at their last meeting. The Clerk, at the request of the Board, asked department heads for their submittals as well. As of this date, the Clerk has received input regarding three goals to include for submission to the NCACC. They are:

1. Change lottery fund allocation to meet State statute
2. Restore funding to State Aid to Public Libraries Fund to the pre-2011 level
3. Additional funding for Parks and Recreation Trust Fund

Staff requested Commissioners discuss and offer proposed goals for submission to the NCACC, including the three mentioned above.

Commissioner Lemel expressed support of the three goals already mentioned. She also wanted to remain at the forefront some of the previous goals submitted to the NCACC, particularly those that might impact counties like ours. The first of those is broadband development in rural counties and the State allowing some flexibility in order to attract these services into rural areas. Additionally, she wants the State to continue to fund Medicaid and help counties in their efforts to make sure all citizens have access to healthcare. She would also like to see this Board stand in opposition to any shifting of State responsibilities to counties, specifically in the areas of transportation, education, and school bus replacement. Lastly, Commissioner Lemel would like to see State funding assistance for rural counties for infrastructure development (sewer, water, etc.)

Commissioner Chapman, being a member of the Board of Directors for the NCACC, explained more about the goal approval process after counties submit their goals. He noted that the lottery fund allocation has been a priority for a number of years. He requested to add a goal to include funding for emergency services in State and federal forests and parks. This is a significant cost to Transylvania County and others.

Commissioner Lemel reported she will be serving on the Legislative Goals Committee again this year to narrow down a recommendation for approval by the Board of Directors.

Commissioner Chappell requested to add a goal that would establish fairness in the funding formulas for small school and low wealth allocations for education. There is a tremendous amount of funding which

Transylvania County should be eligible for especially when many counties of similar size and wealth do receive such funds. Chairman Hawkins supported adding this goal. Most of the counties in eastern North Carolina receive funding from these sources while western counties do not. There are counties larger than Transylvania County that qualify for small county allotments, and this makes no sense.

Commissioner Phillips supported these goals as well. He said it seems Transylvania County does not appear to be getting its fair share of the funding that is available to other counties.

As a recap, the Manager restated the goals for clarification prior to approval.

1. Change lottery fund allocation to meet State statute
2. Restore funding to State Aid to Public Libraries Fund to the pre-2011 level
3. Additional funding for Parks and Recreation Trust Fund
4. Broadband development in rural areas
5. State funding for Medicaid for access to all citizens to healthcare
6. Avoid shift of funding from State to counties: education, school buses, transportation
7. Grant funding for infrastructure for rural counties
8. Funding for state park emergency services: Fire, EMS, Rescue
9. Fairness in low wealth and small county funding formulas for education dollars

Commissioner Lemel moved to approve the goals as stated for submission to the NCACC, seconded by Commissioner Phillips and unanimously approved.

Staff will work on drafting the language for each goal and submit to the NCACC using their electronic format.

NEW BUSINESS

TRANSYLVANIA COUNTY SCHOOLS REQUEST FOR LOTTERY FUNDS

In order to draw down lottery funds allotted for Transylvania County, the Board of Commissioners and the Board of Education must make the request jointly via application. The Board of Education is requesting \$174,291 for the replacement of three chillers at Brevard Middle School. The current lottery fund balance totals \$367,618.99.

Commissioner Lemel moved to approve the lottery application requesting a drawdown of \$174,291 in lottery funds to pay for the replacement of three chillers at Brevard Middle School. The motion was seconded by Commissioner Phillips. Superintendent Jeff McDaris was in attendance. He noted that the chillers were installed in 1976 and have been repaired using spare parts. He also thanked the Board for advocating for additional education funding at the State level. **The motion was unanimously approved.**

TRANSYLVANIA COUNTY RESCUE SQUAD BREVARD UNIT, INC. CONTRACTUAL AGREEMENT

Assistant County Manager David McNeill presented this item. He began the presentation by noting the outstanding job all of the volunteer emergency services staff do in the county to provide services to those in need.

Mr. McNeill reported that the Transylvania County Rescue Squad-Brevard Unit, Inc. is out of compliance with the terms of its contract with the County because it failed to meet various reporting requirements. County staff met with Rescue Squad officials outlining the requirements for continued funding and to prevent termination of the contract for cause. Staff recommended the County issue a promissory note to the Rescue Squad for funding needed to continue the provision of services through the end of January

2017. Rescue Squad officials are confident that the organization's status should be regained by January. If so, the County will resume funding the organization under normal procedures. Mr. McNeill added that once the term of the promissory note is complete, funds budgeted for the Rescue Squad will be used to pay back the promissory note.

Mr. McNeill stated that County staff will continue working with the Rescue Squad to make improvements to the contract to ensure there are measures in place to prevent issues such as this from occurring in the future. The contract will specifically outline to whom reporting requirements should be made on an annual basis. Tracking procedures will be put in place to ensure the requirements are being met.

The Manager reiterated that the recommendation from staff is for the Board to approve the strategy for compliance with the contractual agreement with the Transylvania County Rescue Squad-Brevard Unit, Inc. and to approve the promissory note to cover operating costs from August 2016 through January 2017.

Commissioner Lemel moved to approve the strategy for compliance with the contractual arrangement with the Transylvania County Rescue Squad and approve a loan to Transylvania County Rescue Squad to cover operating costs August 2016 through January 2017. The motion was seconded by Commissioner Chappell. Commissioner Chapman expressed concern about the lack of oversight. He wondered if any fire departments were out of compliance as well. His goal is to avoid this situation in the future with both the Rescue Squad and other departments. Mr. McNeill stated that he and Emergency Services staff take ownership for the lack of oversight. Staffs are reviewing the contracts with all departments to ensure that reporting requirements for the Rescue Squad, fire departments and County departments are clear. Timelines for reporting will be in place as well to ensure compliance, but also to ensure the Manager has information for the upcoming budget process. With that said, the Rescue Squad bears responsibility. They have experienced some financial issues and they failed to submit forms to retain their nonprofit status over a period of three years and therefore their status was withdrawn. The new contract will stipulate that their nonprofit status must be maintained. Commissioner Phillips asked if the Rescue Squad was out of compliance simply because the reporting requirements were not clear. Mr. McNeill stated that in the future the County is going to be very specific about who the Rescue Squad is to make reports to and therefore eliminate the possibility that it is overlooked. He pointed out this was not the only issue; however, he took responsibility from the Emergency Services perspective because staff should have been more resolute. The Rescue Squad should be held accountable as well because they should have been submitting reports that were required of them in their contract. Staffs are working to implement strategies to prevent a similar situation in the future. Commissioner Chappell asked if January is a realistic timeframe to complete the process to regain their status. The Manager believes the timeframe is realistic. The Rescue Squad has engaged professionals for assistance and some of the work has already started. The Manager noted that all nonprofits that receive County funding must adhere to reporting requirements that include submission of audits and performance measures. This process is intended to formalize those relationships, minimize risk to the County and make the County aware of issues on the horizon with funding. The work Mr. McNeill has been doing with the Rescue Squad is consistent with that effort. He will be working with the local fire departments to ensure the same practices are employed. Chairman Hawkins thanked staff and the Rescue Squad for the work they have done to remedy this situation and he is confident the outcome will be positive. **The motion was approved unanimously.**

LANDFILL NOTICE OF VIOLATIONS

Assistant County Manager David McNeill presented this item. Transylvania County has a permit to operate a landfill in accordance with the approved permit and 15A NCAC 13B. Transylvania County has received Notice of Violations for failures to operate the landfill in compliance with these requirements. Specifically addressed in this request is the failure to ensure intermediate cover and vegetation to prevent erosion in cells 1 through 4. Mr. McNeill said the State is very specific in its requirements for landfill cell

closure procedures, including soil coverage and erosion control activities. He has been working with the State to identify corrective actions to bring the landfill back into compliance with cells 1 through 4. Staff has already implemented strategies to ensure compliance in current work areas.

Staff recommended a two-fold strategy. First is to maintain compliance with cell 5 by limiting the work surface to a size consistent with daily cover capabilities. Cells must be covered even after a rain storm event. It is evident that current staffing and equipment resources are not sufficient enough to correct past failures in compliance and continue current garbage collection operations in cell 5. To address noncompliance in cells 1 through 4, the recommendation is to use an outside contractor to excavate from an area on the landfill site and provide a minimum of 12 inches of soil coverage. The contractor will also be required to hydro-seed and provide a straw mulch/cover for protection. Slope areas will require the contractor to install net straw matting to protect against erosion and wash until vegetation is achieved.

It was reported that staff made contact with four contractors and received two quotes. The lowest bid received was \$81,900. Mr. McNeill recommended a 10% contingency for additional matting to ensure erosion control and/or installation of drainage, if required. The total project cost with contingency is \$90,090. The contractor is prepared to start on the project ahead of the winter season.

In response to Commissioner Chapman, Mr. McNeill stated that the County has not been fined for noncompliance, but he expects fines to be the next action by the State if the County does not take corrective action. Those fines have the potential of reaching \$15,000 per day. The Manager pointed out that staffs have been working with State regulators and they know this plan is being brought forth to Commissioners tonight. Violations from earlier this year have already been addressed; this is the last remaining noncompliance issue to address. She noted that the meetings with the State have been positive.

Commissioner Lemel moved to approve funding and direct staff to contract using lowest quote to correct noncompliance with intermediate coverage and erosion control measures in cells 1 through 4 for a total of \$90,090. The motion was seconded by Commissioner Chapman. Commissioner Chappell requested that the contract include a provision stating that if washouts due to rain events occur within a certain timeframe of completion, the contractor would be responsible for returning to repair the work. Commissioner Lemel inquired if Commissioners should anticipate a significant restructuring of operations for the next budget year, including additional staffing and equipment. Mr. McNeill stated definitively that the landfill does not have the level of staffing or equipment needed to care for cells 1 through 4 and operate cell 5. Between now and the beginning of the year, he will be evaluating staffing and equipment levels, including the services being provided by Solid Waste and the possibility of utilizing staff in ways that are more efficient. Commissioner Lemel commended Mr. McNeill for the analysis that he provided Commissioners. The need for hiring a contractor to handle the issues in cells 1 through 4 was clear in that analysis. Therefore she is supportive of the request and looks forward to what the recommendation will be for the future. Commissioner Chappell asked if the soil quality was tested during the evaluation. Mr. McNeill stated this is one of the issues this department has battled. The soil they have been using as a cover is so rocky and it quickly erodes during storms. The contractors will be trying to be the best soil possible to ensure proper ground cover. Commissioner Chapman reminded citizens how critical having a landfill is to this community. Some counties do not have landfills and it is expensive to haul trash to other locations. He applauded the efforts by staff to extend the life of the cells. Chairman Hawkins commended staff for their hard work that has gone into remedying this issue. **The motion was approved unanimously.**

TOWER LEASE WITH WIRELESS BROADBAND CARRIER

Assistant County Manager David McNeill presented this item on behalf of Communications Director Kevin Shook who was called away to an emergency. Transylvania County has the access point for the ERC connection located at the Brevard EMS Base. Skyrunner is a broadband carrier that is acquiring

Mountain Internet. Skyrunner will be expanding their coverage for broadband coverage in Transylvania County through this connection to the citizens. Skyrunner already provides service in Buncombe, Burke, Cleveland, Haywood, Henderson, Madison, McDowell, Polk, Rutherford, and Yancey Counties. The tower located at the Brevard EMS Base is currently not utilized for RF purposes. ERC will increase their bandwidth at this site to accommodate the increased demand and thus help the counties accessibility for service. Skyrunner is proposing to pay \$100 a month for tower access.

Jon Wood, Marketing and Outreach Manager and Field Engineer, with Skyrunner was in attendance. He stated that Skyrunner is excited that the County is interested in expanding broadband services. They hope to bring affordable broadband services to citizens and businesses here in the future.

The Manager noted that Skyrunner is able to provide point to point service, which means they are able to reach areas that do not have fiber in the ground. That will be beneficial to areas of the County.

The County Attorney reviewed the contract and suggested minor changes that have been made.

Commissioner Lemel moved to proceed with the lease and allow Skyrunner to mount the necessary microwave relay point on the tower located currently at Brevard EMS Base. The motion was seconded by Commissioner Phillips. Commissioner Chappell requested a future presentation by Skyrunner to talk about the services they provide and how the addition to this tower will impact future coverage. Mr. Wood said Skyrunner would love to present some ideas for future growth within the County. **The motion was approved unanimously.**

MANAGER'S REPORT

- Joint Historic Preservation Commission was successful in receiving an \$11,000 federal grant to help stabilize the Allison-Deaver House and is providing the \$6,000 matching funds
- Open house listening session at the Pisgah Forest Ranger District office on October 12 from 3pm-6pm for discussion of local projects and the Forest Plan Revision
- The Child Support Division of the Transylvania County Department of Social Services was given an award at the NC Child Support Conference at Sea Trails. Unfortunately, we did not have anyone there to accept the award, but we are nonetheless grateful. Transylvania County Child Support Enforcement met and exceeded all of their 13 goals assigned to them by the State office for the fiscal year ending 6/30/2016. Only about 15-20% of all CSE agencies in the State achieved all of their goals. The receipt of this award is attributable to the hardworking staff of the Child Support Division.
- The CARE Coalition was awarded a national STOP grant to address underage drinking. The organization was awarded \$50,000/year for a 4-year period. These funds are in addition to the current grant funding they are receiving.
- Congratulations to Commissioners Chapman and Lemel for achieving recognition from the NCACC for their dedication to professional development. They were recognized for meeting the requirements for Mentor level in the Local Elected Leaders Academy. The highest level of recognition, a Mentor has completed a minimum of 82 credits of continuing education since becoming a county commissioner. The Local Elected Leaders Academy offers local elected officials the knowledge and skills needs to lead and govern their communities. Chairman Hawkins achieved Mentor staff in the fall of 2015. Congratulations!
- Reminder that the Clerk is hosting the Western Regional Clerks Workshop on Friday, September 23. Chairman Hawkins plans to attend and make opening remarks. If other Commissioners are available to do the same, please confirm with the Clerk so she can make sure you are recognized on the agenda.

- Champion Pool is still open on weekends and for events. Mayor Shelton will provide summary for the Board once the season is complete.
- The Elections and Employee Wellness building is almost complete. Early voting will occur at this location. Staff is already moving into the building. An open house will be held after the election is over.
- New signage has been placed at the Community Services building. This is part of an initiative to help the public find their way to County services. Staff is also preparing for enhanced security measures that will limit access points. The same signage theme will be used throughout County facilities.
- The Manager introduced Jonathan Griffin who is serving as the NCACC Fellow. He will be working with the County for up to two years and will be working on various initiatives to help implement strategies to move forward with the strategic plan. Jonathan expressed that he is excited about working with the County. Commissioners welcomed him to the community.

PUBLIC COMMENT

Tracie Fisher: Ms. Fisher announced that Early Voting will begin on October 20.

COMMISSIONERS' COMMENTS

Commissioner Lemel reported that SAFE, Inc. has received a federal grant totaling \$481,000 over a three-year period. The County provided assistance in applying for the grant. This is an effort that will be enhanced by the formation of the Domestic Violence/Sexual Assault Task Force. This federal grant will allow SAFE, Inc. to reach into the rural parts of the County to provide assistance designed to enhance victim safety in cases of sexual assault, domestic violence, dating violence in rural communities by encouraging collaborative partnerships from various agencies that respond to these crimes.

She reported that the Early Childhood Initiative had a summer filled with great programs. She recognized Parks and Recreation Director Carleen Dixon for opening two toddler day camps this year that were at full capacity. In addition the Library opened a new reading program for toddlers and there were 64 participants. The task force is excited about the focus on our youngest citizens and making them feel supported by the community.

Commissioner Lemel announced a mental health forum will be held on October 17 from 5:30pm-7:30pm. She noted that the suicide rate in the County has already doubled from last year. She has been working with the Health Department and Smoky Mountain MCO on this effort. The forum will be a community conversation on mental health access. A panel presentation will be made by representatives from Blue Ridge Community Health, Smoky Mountain MCO, NAMI, Mission Health, Hendersonville Pediatrics, Judith West, Meridian, RHA Mobile Crisis and others. Sponsors like United Way, Hendersonville Pediatrics and SAFE, Inc. have made it possible for refreshments. Commissioner Lemel feels it is important for our citizens to understand where they can get services.

Commissioner Lemel will be attending the Advanced Leadership Corps, a cooperative effort of the NC Association of County Commissioners, the League of Municipalities and the School of Government, in Chapel Hill learning how to work more effectively as leaders in this State.

Commissioner Chapman announced that he will be traveling with the NC Association of County Commissioners Board of Directors to Washington, DC on September 27 to meet with the NC Legislative Caucus.

Commissioner Chapman is planning the Veterans Day program for November 11 at the Courthouse Gazebo. He is searching for a non-veteran speaker and individuals or groups willing to sing the National Anthem. His desire is for this to be a community event. He also thanked Mr. Casciato for his efforts on the WNC Military History Museum.

Commissioner Chapman sadly stated that Steve Strauss' (Brevard native and owner of the consultant group the County used to hire the County Manager) wife is undergoing serious chemotherapy and he asked everyone to keep that family in their thoughts and prayers.

Commissioner Chappell reminded everyone of the candidates' forum at the Library on Thursday night at 6:00 p.m.

Commissioner Phillips requested more information from Skyrunner about when their services will be available and agreed to talk with Mr. Wood at the close of the meeting.

Chairman Hawkins addressed Jonathan Griffin and said he hopes tonight's meeting gave him an indication that this is a serious Board and they go above and beyond meetings in making decisions. He expressed delight in having him work here. He noted that he and Commissioner Chappell are working on a project that has the potential to do good. More information will come at a later date. In addition, he is working with Commissioner Phillips on an item that may come before the Board soon as well. Chairman Hawkins also noted that Commissioner Lemel is involved in many areas that will change the community in a very tangible way.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Lemel moved to adjourn the meeting at 8:23 p.m., seconded by Commissioner Chapman and unanimously approved.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board