

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
October 22, 2007-REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, October 22, 2007 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed and Vice-Chairman Kelvin Phillips.

Staff members present were County Manager Artie Wilson, County Attorneys Jeanne Hall and Curtis Potter, Project Manager Larry Reece, Tracy Fisher, Veterans Services Officer Frank Pearsall, Recreation Director Rick Pangle, County Cooperative Extension Director Eric Caldwell, Board of Elections Director Judy Mathews, Emergency Services Director David McNeill, Health Director Steve Smith, Finance Director Gay Poor, County Planner Mike Thomas, Soil and Water Conservation Director Jeff Parker, Donna Marie Bankston, and Clerk to the Board Trisha McLeod.

Media: *Transylvania Times*- Mark Todd

There were approximately 100 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:00 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting and thanked them for participating in the business of the County.

PUBLIC COMMENT

Mr. Terry Barham: Mr. Barham requested to address the Board of Commissioners during their discussion of the bids for the parking lot. Chairman Chappell granted his request.

AGENDA MODIFICATIONS

There were no Agenda modifications.

Commissioner Guice moved to accept the Agenda, seconded by Commissioner Phillips and unanimously approved.

CONSENT AGENDA

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

The following items were approved:

MINUTES

The Minutes from the October 8, 2007 regular session were approved.

FACILITIES USE REQUESTS

The use of Silvermont by the Transylvania Art Guild for their member art show July 24-27, 2008 from 10:00 a.m. to 4:00 p.m. was approved.

DISCOVERY & RELEASE REPORT

The Discovery & Release Report for accounting period September 1, 2007 through September 30, 2007 was approved.

PRESENTATIONS/RECOGNITIONS

RECOGNITION OF SERGEANT CHARLIE L. BAGWELL

Commissioner Hogsed recognized the Bagwell family and Chief Petty Officer Joe Parker. Mr. Parker wrote a memorial tribute to Staff Sergeant Charlie L. Bagwell that will appear in the Heritage Book in the coming months. Commissioner Hogsed asked Veterans Services Officer Frank Pearsall to read the memorial.

Chairman Chappell announced that, in recognition of the supreme sacrifice made by Staff Sergeant Charlie L. Bagwell, the Board of Commissioners has framed a picture and memorial to Staff Sergeant Bagwell that will be placed in the lobby of the Courthouse. On November 12, 2007, the family of Staff Sergeant Bagwell will be given a North Carolina Flag from the Honorable Governor Michael Easley and the United States Flag that was held by the elected officials of Transylvania County as Staff Sergeant Bagwell's body was brought back to the County.

Chairman Chappell asked Commissioner Hogsed to read Resolution 62-07, Proclaiming October 24, 2007 A Day of Remembrance for Charlie L. Bagwell.

Commissioner Bullock moved to approved Resolution 62-07, Proclaiming October 24, 2007 A Day of Remembrance for Charlie L. Bagwell, seconded by Commissioner Guice and unanimously approved.

Chairman Chappell presented the Resolution to the Bagwell family along with a framed copy of the memorial written by Mr. Joe Parker.

(Resolution 62-07, Proclaiming October 24, 2007 A Day of Remembrance for Charlie L. Bagwell attached as part of the Minutes.)

UPDATE ON MENTAL HEALTH FROM ARTHUR CARDER

Mr. Arthur Carder, CEO of Western Highlands Local Management Entity, gave an update on the status of mental health in the Western Highlands catchment area. He provided data on the number of State funded consumers served in Transylvania County over the last year. Mr. Carder also provided data on how funds were distributed and used in Transylvania County over the last year, and the number of consumers that were hospitalized in alcohol and drug treatment programs.

Mr. Carder reported that since the closing of New Vistas/Mountain Laurel, the leadership in the County stepped up to ensure that services were provided in the community, the quality of services has improved, there is more client choice, and there has been a substantial collaboration between behavioral health and primary healthcare services within the area.

Western Highlands recently submitted their three year business plan to the State for approval. Upon making revisions recommended by the State, Mr. Carder hopes the plan will be completed and available in December with ratification by the Board of Commissioners in January 2008.

Mr. Carder reported that the current issues affecting the mental health system are the need for more stability and less change from the State, the unintended consequences of Medicaid and Value Options, and the need for more capacity and providers to offer additional services and programs to targeted populations.

Western Highlands instituted a new program this year which will be evaluated in February 2008. The LME pays "core providers" a fixed amount of \$50 per slot for six intake spots every week to serve State funded consumers. So far the program has been very positive and consumers are being served twice as fast as they were a year earlier.

Mr. Carder noted that Mr. Dempsey Benton is the new Secretary of the Department of Health and Human Services. Chairman Chappell thanked Mr. Carder for his report and for the work he does to assist Transylvania County.

RECOGNITION OF ROSMAN YOUTH CHEERLEADERS

Mr. Louis Diaz, President, thanked the Board of Commissioners for recognizing the Rosman Youth Cheerleaders for their accomplishments. Mr. Diaz recognized the squads and their coaches and thanked everyone for their support.

On October 6, 2007, the Termites, Mites and Midgets won first place in the Western North Carolina Youth Football Cheerleading Eastern Division Championships. This was the first time that one organization won first place in all three divisions. In the Western Division Championships on October 13, 2007, the Termites and Midgets again placed first and the Mites brought home second place. The Rosman Youth Football Cheerleaders also brought home the award for sportsmanship and total team points.

Commissioner Guice read Resolution 59-07 Recognition of Rosman Youth Football Cheerleaders (Termites). **Chairman Chappell moved to approve Resolution 59-07, seconded by Commissioner Bullock and unanimously approved.** Commissioners presented the Resolution to the Termites Coaches.

Commissioner Phillips read Resolution 60-07 Recognition of Rosman Youth Football Cheerleaders (Mites). **Commissioner Bullock moved to approve Resolution 60-07, seconded by Commissioner Phillips and unanimously approved.** Commissioners presented the Resolution to the Mites Coaches.

Commissioner Bullock read Resolution 61-07 Recognition of Rosman Youth Football Cheerleaders (Midgets). **Commissioner Hogsed moved to approve Resolution 61-07, seconded by Commissioner Bullock and unanimously approved.** Commissioners presented the Resolution to the Midgets Coaches.

(Resolutions 59-07, 60-07, and 61-07 attached as part of the Minutes.)

Chairman Chappell called for a 5 minute recess at 7:40 p.m.

The meeting reconvened at 7:45 p.m.

APPOINTMENTS

TOURISM DEVELOPMENT AUTHORITY (TDA)

Commissioner Phillips moved to reappoint Steve Pagano, seconded by Commissioner Bullock and unanimously approved.

OLD BUSINESS

PROPOSED ORDINANCES FOR HISTORIC LANDMARK DESIGNATION: THE LANKFORD HOUSE AND PARTRIDGE HILL

The Joint Historic Preservation Commission has proposed ordinances for historic landmark designation for two properties in the County: The Lankford House and Partridge Hill. Per North Carolina General Statute 160A-400.6, a public hearing was held at the October 8, 2007 regular meeting on the proposed ordinances. There were no comments from the public during the public hearing.

Commissioner Bullock moved to approve the proposed ordinances for designated landmarks The Lankford House and Partridge Hill, seconded by Commissioner Hogsed and unanimously approved.

POLICY-USE OF THE TRANSYLVANIA COUNTY COURTHOUSE

Commissioners tabled the proposed Courthouse Use Policy at the previous meeting and instructed Staff to make recommended revisions. The Manager reported that the use of the Courthouse over the last two years reveals that it has been mostly used by the local political parties and the Board of Commissioners. The Community Services Conference

Room can accommodate the political parties' meetings and most of the Board of Commissioners' meetings. The Manager feels that the Courthouse serves as the facility to handle both the judicial and county business of the County. He offered the following options for a Courthouse Use Policy:

1. Approve the proposed policy, other facilities are available
2. Allow the use of the facility with the understanding that the using party must pay for a deputy to man the metal detector/provide security during the event
3. Do not allow the use of the Courthouse after hours for any purpose including the Board of Commissioners
4. Leave the policy as is

Commissioners discussed the cost of paying for a trained deputy to provide security after hours. They would prefer a policy that would allow the public to continue to use the facility. Commissioners agreed that the Community Services Conference Room is a suitable alternative for political parties to hold their meetings, and that their Board meetings should continue to be held in the large courtroom. Commissioners instructed Staff to explain to the public what their options are when they request to use the Courthouse and stressed that the fee is to pay for the cost of providing security, not a rental fee.

Commissioner Guice made a motion that we develop a policy that will allow the use of the Courthouse facility with the understanding that the parties using the facility must pay for a deputy that would provide security during the event, seconded by Commissioner Phillips. After discussion, the motion passed unanimously.

The Manager stated that a deputy will be needed to provide security for Commissioners' meetings so that security is not breached and the general public becomes accustomed to using the metal detectors. The deputy assigned to courthouse security detail during Commissioners' meetings will be accumulating overtime so the Manager asked the Commissioners to authorize \$2,000 to \$3,000 to pay for overtime with monies to come from contingency.

Chairman Chappell made a motion that we keep having the County Commissioners' meetings in the Courtroom and that overtime expenses come out of our undesignated funds for our Commissioner meetings, seconded by Commissioner Bullock. After clarification on the motion, the motion passed unanimously.

NEW BUSINESS

BUDGET TRANSFERS AND AMENDMENTS FOR FIRST QUARTER FY 2008
Finance Director Gay poor reported on the Budget Transfer and Amendments for the First Quarter of FY 2008. She noted the following:

There has been \$81,526 in changes since the last budget amendments were reported, most notably \$62,682 for the absorption of the third SRO and \$15,387 received for an LSTA Grant for Internet infrastructure improvements for the Library. These changes along with a few minor items brought the total increase for the first quarter of FY 2008 to \$763,104. The majority of the increase, \$451,000, represents funds rolled forward from the prior year for projects or purchases initiated last year but not completed until this year. \$226,000 was carried forward for projects related to the Courthouse, including \$138,000 for the re-pointing of the brick, \$37,000 for repairing the rock wall and \$51,000 for implementing security measures. Another significant item that was carried forward was \$120,000 for paving at the landfill. \$51,000 designated for Special Child Adoption was also carried forward.

New grants and changes in state and federal funding contributed another \$254,000, most notably \$144,000 from the Division of Water Resources for stream bank stabilization projects and \$75,000 from the NC Office of Rural Health and Community Care for support of mental health care providers and programs.

Commissioner Guice moved to accept the Budget Transfers and Amendments for the First Quarter of FY 2008, seconded by Commissioner Bullock and unanimously approved.

WATER CONSERVATION

Eric Caldwell, County Cooperative Extension Director, showed a Power Point presentation about the impact of the drought and what citizens can do to conserve water. Mr. Caldwell noted that Transylvania County is still in a drought. The Governor has mandated all State agencies to only use water for essential purposes. All nonessential uses have been banned. The Governor has asked for a voluntary 20% reduction from all the citizens in the State.

Some of the impacts of the drought on Transylvania County are:

- The Wildlife Resources Commission has reduced restocking trout because of low stream levels; this is an economic impact on the County
- Diseases of wildlife because wildlife are being concentrated together at watering holes
- 25-40% reduction in hay in Transylvania County for feeding livestock
- Transylvania County is 10"-12" below normal for rainfall for the year

What we can do as a community to conserve water in our homes and businesses:

- Develop a conservation ethic, change our habits
- Find and fix leaks
- Replace and retrofit appliances and fixtures
- Reuse; rain barrels and cisterns are new technology; capture water to use for landscape
- Encourage infiltration; rain gardens (Library)
- Plant native plants; plants that are drought resistant
- Become "Fire Wise"

POSSIBLE MERGER OF THE LITTLE RIVER AND ETOWAH FIRE DISTRICT

The Manager stated that during this past year's budget deliberation, the Commissioners discussed the possible merger of the Etowah Fire District in Transylvania County into the Little River Fire District. Emergency Services Director David McNeill has met with both volunteer fire departments and discussed the proposal. The Manager asked Mr. McNeill to address the Commissioners regarding the process by which the merger would happen.

Mr. McNeill stated that in following the requirements set forth in NCGS 153A-304 (a), he must prepare a report for the Commissioners outlining his findings. Both districts meet the requirements of the statute in the fact that they are continuous in boundary and the services they provide are substantially the same. There are some differences within the districts, most notably the tax and fire insurance rates. He noted that both fire departments have a great working relationship with each other.

Mr. McNeill noted some issues with the Etowah/Horseshoe Fire District. Etowah/Horseshoe is a small section of the County, between Henderson County, the Little River Fire District and North Transylvania Fire District. They have a contract that extends back to 1992. The other fire departments' contracts were revised approximately three years ago. The Etowah/Horseshoe contract states that they will have a minimum 5 cents tax rate within their district. The actual rate is .0291 which is not consistent with their contract or the surrounding districts. Etowah/Horseshoe being a Henderson County department which is dispatched through Henderson County creates additional concerns.

Mr. McNeill recommends that the Commissioners consider merging the Etowah/Horseshoe Fire District into the Little River Fire District. The next steps in the process are meeting the notification requirements, holding a public hearing, and adoption of the merger by the County Commissioners. If the Commissioners choose not to merge the districts, he recommends that during the next budget cycle the Commissioners address the tax rate in that area.

After discussion, **Commissioner Guice moved to authorize staff to proceed with consolidation, seconded by Commissioner Hogsed and unanimously approved.**

BIDS FOR PARKING LOT ADDITION

Mr. Terry Barham addressed the Board to express his concerns about the negative impact of a parking lot in a neighborhood and its property values. He asked if it is a good value to the citizens and whether or not a parking lot is needed. He said there are two County-owned (Board of Elections parking lot and the parking lot on Gaston Street) lots that are 2/3 empty during business hours. He also expressed concerns about the design and costs of the parking lot as well as the slope of the parking spaces. He suggested that the County consider the growth of the community and find long term solutions to parking. He presented a sketch of a parking deck that he would like the Board to consider.

The County received two bids for the construction of a parking lot on Johnson Street. The base bid prices are as follows, along with costs of the alternates:

	<u>Whitmire Grading</u>	<u>DPI Construction, Inc.</u>
Base Bid Price	\$125,378	\$135,000
Alt 1- Brick in entry & exit	\$ 9,354	\$ 10,300
Alt 2- Brick on sidewalk	\$ 7,125	\$ 8,000
Alt 4- Evergreen trees	\$ 1,380	\$ 1,500

Commissioner Hogsed believes the County should scrap the parking lot because he feels that the cost is too high and it is not a good use of taxpayer dollars. He noted that the UDO reduced the number of potential parking spaces to 47. Commissioner Phillips concurred with Commissioner Hogsed to hold off on the parking lot and noted that all the parking in the County is not being utilized.

Commissioner Guice commented that although the UDO cost the County to lose a significant number of parking spaces, the bids came in under what was expected. He stressed that parking is a need. Chairman Chappell added that the County also needs the parking lot to accommodate future growth. The Manager added that the cost per space in a parking deck is significantly higher than a parking lot. He also noted that the American Legion is considering charging a fee for the use of their lot which will again reduce the number of spaces available.

Commissioner Bullock discussed the possibility of parking lots being freed up when Staff is shifted from the Courthouse into other locations and when the new Public Safety Facility is constructed. Commissioner Phillips suggested waiting to conclude some of the space needs issues before moving forward with the parking lot.

After further discussion, **Chairman Chappell moved to award the bid to Whitmire Grading for \$125,378 plus Alternate 4 for \$1,380, seconded by Commissioner Guice. The motion failed 3 to 2, with Commissioners Bullock, Hogsed and Phillips voting no.**

Commissioner Guice moved to set the decision aside concerning this matter until some date in the future. The motion died for lack of a second.

Commissioner Guice moved to award the contract to Whitmire Grading for \$125,378 with Alternates 1, 2 and 4. The motion died for lack of a second.

Commissioner Hogsed moved to reintroduce the motion to table the decision on this parking lot addition until sometime in the future, seconded by Commissioner Guice. Commissioner Phillips requested to add the words “and until after we’ve recognized and evaluated some of our space needs” to the motion. Commissioner Hogsed agreed with the change in the wording. The motion passed unanimously.

EASEMENT FOR CITY OF BREVARD

The Manager stated that the City of Brevard has requested an easement in front of Brevard Rescue Squad for their bike path. This is a small easement that will allow them to divert around a utility pole. The County has previously given the City an easement along the old railroad for the bike path. The Manager met with Vince Stone with the Brevard Rescue Squad and they have no problem with the easement. Brevard Rescue Squad leases the property from the County. The City can not move further with the bike path unless they are granted the easement. He recommended that the Commissioners approve the easement.

Commissioner Phillips asked for clarification on the purpose of the easement. The Manager responded that it would allow the City to divert around a utility pole so the utility pole does not have to be moved.

Commissioner Hogsed moved to approve the easement for the bike path, seconded by Chairman Chappell.

Commissioners commented about their frustration in dealing with the City's UDO and sidewalk issues with the Public Safety Facility, and suggested making the cost of the easement the same as the cost for not building a sidewalk. After discussion, **Commissioner Hogsed withdrew his motion.**

The Manager responded that he understood the Commissioners' frustration, but pointed out that the UDO is a very lengthy process and the City expedited the process for the County.

Chairman Chappell moved to approve the easement for the bike path, seconded by Commissioner Hogsed. After discussion, the motion passed unanimously.

MANAGER'S REPORT

The Manager reported the following:

1. A Pre-bid meeting is scheduled with the contractors on the Public Safety Facility on Thursday at 2:00 p.m. in the Community Services Conference Room.
2. A Candidates Forum will be held in the large courtroom tomorrow night from 7:00 pm to 9:00 pm.
3. Staff is working with Rich Worley on options and time tables to address space needs. Staff will bring the options to the Commissioners at a meeting in November.
4. The Commissioners received an invitation to the AdvantageWest Annual Meeting for November 1, 2007 at the Grove Park Inn. The cost is \$65 per person.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Hogsed thanked the Commissioners for their support by recognizing Staff Sergeant Charlie L. Bagwell.

Commissioner Phillips said he is appreciative of the Bagwell family being here at the meeting and the sacrifices that they have made. He thanked Eric Caldwell for his presentation on the drought and asked all of us to think about water conservancy.

Commissioner Hogsed announced that the VFW and the American Legion will unveil Staff Sergeant Bagwell's name on the war memorial in front of the Courthouse on Monday, November 12, Veteran's Day, at 11:00 a.m. They would appreciate the Commissioners' attendance.

ADJOURNMENT

There being no further business to come before the Board, **Chairman Chappell move to adjourn, seconded by Commissioner Phillips and unanimously carried.**

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board