

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**January 12, 2009 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, January 12, 2009 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, Mike Hawkins and Daryle Hogsed. Vice-Chairman Kelvin Phillips was absent. Also present were County Manager Artie Wilson, County Attorney David Neumann and Clerk to the Board Trisha McLeod.

Media: *Transylvania Times* – Mark Todd

There were approximately 80 people in the audience.

**CALL TO ORDER**

Chairman Jason Chappell presiding called the meeting to order at 7:05 p.m.

**WELCOME**

Chairman Chappell welcomed everyone to the meeting and thanked them for participating in their County government.

**PUBLIC HEARING**

**APPLICATION FOR MATCHING GRANT FOR SEPTAGE PRETREATMENT FACILITY**

County Planner Mike Thomas explained the County's intent to make application for the replacement of a septage pretreatment facility. The current facility is 22 years old and has been deemed to be functionally obsolete. It suffers excessive maintenance and down time and does not do a good job of removing grit or reducing BOD (Biochemical Oxygen Demand). The current facility is only available during normal working hours.

The preliminary engineering report from the City of Brevard recommends replacing the facility at its current location. The estimated cost of replacing the facility is \$420,000. A grant is available through the North Carolina Rural Center Clean Water Partners and Infrastructure Program and requires a 50% match, or \$210,000. The grant application is due in Raleigh by the end of the week. The grants are awarded in June and recipients have one year from that time to complete their projects. Mr. Thomas estimated that a new facility could be constructed within five to six months.

To apply Commissioners are required to authorize the application and the memorandum of understanding through the approval of a resolution, all of which must be signed by the

Chairman. If the grant is awarded, Commissioners must commit the remaining funds to complete the project and ensure the operation and maintenance of the new facility.

**Chairman Chappell declared the Public Hearing open at 7:08 p.m.** There were no comments from the public. Commissioner Hogsed asked about the status of constructing a facility in Rosman. The Manager stated that staff contacted officials from the Town of Rosman about the possibility of constructing a septage pretreatment facility in Rosman and staff received no response. There being no further comments, **Chairman Chappell declared the Public Hearing closed at 7:10 p.m.**

### **PUBLIC COMMENT**

Several citizens requested to defer their comments until the discussion of the US 64 and NC 280 Corridor Study.

Bob Youngerman: Mr. Youngerman spoke about the potential Connestee Falls Park and urged Commissioners to move forward with the project. He believes a park would be a large asset to the County.

Keith Norman: Mr. Norman said he is against the expansion of the ETJ into Pisgah Forest. He said he does not see the development the City claims they are trying to control. He asked to speak again during the discussion of the US 64 and NC 280 Corridor Study.

Joseph Narsavage: Mr. Narsavage spoke in favor of the potential Connestee Falls Park. He echoed Mr. Youngerman's comments about the Park being an asset to the County, especially to business owners because waterfalls are natural people magnets. Mr. Narsavage said he is disappointed that the County is only willing to risk \$25,000 for the project.

Clentis Williams: Mr. Williams served as an alternate on the Corridor Study Committee. Residents of Pisgah Forest want to preserve the character of their community, but they want the County to help them, not the City of Brevard. He urged Commissioners to instruct the County Planning Board to move forward with creating the details of the Committee's recommendations.

### **AGENDA MODIFICATIONS**

There were no Agenda modifications.

**Commissioner Hogsed moved to approve the Agenda as submitted, seconded by Commissioner Bullock and unanimously approved. (4-0, Commissioner Phillips absent)**

## CONSENT AGENDA

**Commissioner Bullock moved to approve the Consent Agenda, seconded by Commissioner Hawkins and unanimously approved. (4-0, Commissioner Phillips absent)**

The following items were approved:

### MINUTES

The Minutes of the December 8, 2008 Regular Meeting were approved.

### FACILITIES USE REQUESTS

The use of the Courthouse Lawn and Gazebo by the Heart of Brevard for the White Squirrel Festival and Memorial Day Parade on May 23, 2009 from 7:00 a.m. to 11:00 a.m. was approved.

The use of the Courthouse Lawn and Gazebo by the Heart of Brevard for the Fourth of July Celebration and Street Festival on July 4, 2009 from 7:00 a.m. to 6:00 p.m. was approved.

The use of the Courthouse Lawn and Gazebo by the Heart of Brevard for the Halloweenfest on October 31, 2009 from 8:00 a.m. to 8:00 p.m. was approved.

The use of the large courtroom by the Heart of Brevard for the Old Time Music Competition on October 31, 2009 from 7:00 p.m. to 10:00 p.m. was approved.

The use of the Courthouse Lawn and Gazebo by the Heart of Brevard for the Twilight Tour and Street Festival on December 5, 2009 from 10:00 a.m. to 9:00 p.m. was approved.

## PRESENTATIONS/RECOGNITION

### RESOLUTION 49-08 IN HONOR OF CHIEF DISTRICT COURT JUDGE ROBERT S. CILLEY

The Honorable Judge Robert S. Cilley retired on December 31, 2008. The Board of Commissioners would like to recognize the achievements of Judge Cilley and wish him the best during his retirement. With the permission of Commissioners, the following resolution was presented to Judge Cilley on his last day on the bench in Transylvania County on December 30, 2008. Chairman Chappell read Resolution 49-08 as follows:

### **RESOLUTION 49-08**

*IN HONOR OF CHIEF DISTRICT COURT JUDGE ROBERT S. CILLEY*

**WHEREAS**, the Honorable Judge Robert S. Cilley is retiring December 31, 2008

after serving as a District Court Judge for twenty years; and

**WHEREAS**, Judge Cilley serves as District Court Judge in District 29B, formed in January 2006, which includes Henderson, Polk, and Transylvania Counties, and previously served all of District 29 which included McDowell and Rutherford Counties; and

**WHEREAS**, Judge Cilley was appointed Chief District Court Judge by the Chief Justice of the Supreme Court of North Carolina on December 7, 1992; and

**WHEREAS**, Judge Cilley practiced law in Brevard before first being elected to the bench in 1988; and

**WHEREAS**, as he has worked among the people in our community and has dealt with community problems, Judge Cilley has become a positive and effective influence for good in our community; and

**WHEREAS**, Judge Cilley has displayed the highest example of character, ethics, morals, and unselfish service; and

**WHEREAS**, he has won the highest regard of all his associates and the admiration of citizens throughout the community; and

**WHEREAS**, Judge Cilley has earned and justly deserves this public recognition for his many years of service to our community.

**NOW THEREFORE BE IT RESOLVED** by the Transylvania County Board of Commissioners that it hereby expresses its appreciation to the Honorable Judge Robert S. Cilley for his many years of dedicated service to Transylvania County and Judicial District 29 and extend to him sincere best wishes for a long and happy retirement.

This the 30<sup>th</sup> day of December, 2008.

**Commissioner Bullock moved to approve Resolution 49-08 In Honor of Chief District Court Judge Robert S. Cilley, seconded by Commissioner Hogsed and unanimously approved. (4 to 0, Commissioner Phillips absent)**

**RESOLUTION 03-09 IN APPRECIATION OF THE HEART OF BREVARD**

Madrid Zimmerman, Executive Director of the Heart of Brevard, and Administrative Assistant Lynne Warner have decorated the Courthouse Gazebo for Christmas for a number of years. The Board of Commissioners thanked them for their generosity by presenting them with a resolution. Commissioner Hawkins read Resolution 03-09 as follows:

**RESOLUTION 03-09**

*In Appreciation of the Heart of Brevard*

**WHEREAS**, Transylvania County desires to commend and recognize those who give of themselves, their time, their talent and their efforts to make our community a better place in which to live; and

**WHEREAS**, Madrid Zimmerman, Executive Director of the Heart of Brevard, and Administrative Assistant Lynne Warner, encourage residents and visitors to congregate for special events downtown to reinforce the sense of place and being part of a community; and

**WHEREAS**, the Heart of Brevard beautifully decorated the Transylvania County Courthouse Gazebo with lights and garland for the Christmas season; and

**WHEREAS**, the Transylvania County Courthouse and Gazebo are the main focal points for downtown Brevard for which generations have come to enjoy and appreciate for many years.

**NOW THEREFORE** the Board of Commissioners of Transylvania County does hereby profess its heartfelt appreciation to Madrid Zimmerman and Lynne Warner of the Heart of Brevard for their generosity and for making long and lasting contributions to the citizens of Transylvania County.

This the 12<sup>th</sup> day of January, 2009.

**Commissioner Hogsed moved to approve Resolution 03-09 In Appreciation of the Heart of Brevard, seconded by Commissioner Hawkins and unanimously approved. (4 to 0, Commissioner Phillips absent)**

## APPOINTMENTS

### TOURISM DEVELOPMENT AUTHORITY

**Commissioner Hawkins moved to appoint Debi Whitmire to serve as an owner/operator of hotels/inns, seconded by Commissioner Bullock and unanimously approved. (4 to 0, Commissioner Phillips absent)**

**Commissioner Hawkins moved to appoint Gordon Strayhorn to serve as an interested individual, seconded by Commissioner Hogsed and unanimously approved. (4 to 0, Commissioner Phillips absent)**

### BOARD OF HEALTH

**Commissioner Hogsed moved to reappoint Terry Allen, Elaine Deppe, and Dr. John Folger, seconded by Commissioner Hawkins and unanimously approved. (4 to 0, Commissioner Phillips absent)**

### BREVARD PLANNING AND ZONING

**Commissioner Bullock moved to reappoint Rick Lasater, seconded by**

**Commissioner Hogsed and unanimously approved. (4 to 0, Commissioner Phillips absent)**

WESTERN CAROLINA COMMUNITY ACTION

**Commissioner Hawkins moved to appoint Marcia Weber to fill the vacant position, seconded by Commissioner Bullock and unanimously approved. (4 to 0, Commissioner Phillips absent)**

LEGISLATIVE LIAISON TO THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

**Commissioner Hawkins moved to appoint Commissioner Bullock as the Legislative Liaison, seconded by Commissioner Hogsed and unanimously approved. (4 to 0, Commissioner Phillips absent)**

**OLD BUSINESS**

CONNESTEE FALLS PROJECT

The Manager reported that the owner of the property has a note due on a portion of the property in early February. The Manager requested that the County move ahead with the purchase of the property. Staff is in the process of meeting with personnel with the Division of Parks and Recreation to discuss a possible change in the scope of the project. The original scope was estimated to cost \$949,890. At that time the County applied for grants, one to the North Carolina Clean Water Management Trust Fund and the other to the Division of Water Resources. The County was denied both grants. Staff has resubmitted the grant to the Division of Water Resources which will be awarded in June or July. If the County changes the scope of the project this could allow for more of the matching Parks and Recreation Trust Fund (PARTF) grant monies to go toward the purchase of the property. Staff has also talked with the owner about the possibility of extending the note. If the County can change the scope of the project, it can do those important elements that were in the grant application originally, making it an ADA accessible park, which is one of the reasons the County was granted PARTF funds in the amount of \$325,000.

He offered Commissioners options for their consideration.

1. Do nothing and see if the County can get the scope of the PARTF grant changed and hope that the property is not sold before additional grant funds are found.
2. Move ahead with the purchase of the property with the hope that additional grant funds are received; however this puts the County at risk if those grant funds are not received and the if County can not change the scope of the PARTF grant because the County would have to come up with approximately \$350,000 of its own money.
3. Move ahead with the purchase of the property with the hope that additional grant funds are received. According to the Carolina Mountain Land Conservancy, they believe the County can borrow approximately \$150,000 short term at no interest to help with the purchase. The worst case scenario would be a cash outlay of approximately \$350,000 if the other grants are not awarded.

4. Discuss a possible scope change with the Division of Parks and Recreation to lower the total project scope to \$651,300 and negotiate with the owner on the price of the property.

The Manager recommended moving forward with option 4, discussing a possible scope change with the Division of Parks and Recreation and negotiating the price of the property with the owner. The County has only committed \$25,000 towards the project and plans to use the easement granted by the owner as an in-kind match for the PARTF grant. The Manager recommended that staff continue to move forward, beginning with trying to change the scope of the project. The scope change would involve securing the property and making it ADA accessible. The project would be completed in two phases. The other amenities outlined in the original scope would be completed in the second phase.

Commissioner Hawkins asked how this project fits into the Recreation Plan. Recreation Director Rick Pangle responded that it is included in the Plan, as well as other natural elements around the County that the County may want to preserve in the future.

Commissioner Bullock asked how long it would take to get the scope changed. The Manager said he thinks it will occur very quickly. He and Mr. Pangle spoke with the regional director and the State and they seemed to be favorable to the scope change. It will have to go before the PARTF Committee for approval.

Commissioner Hogsed asked if the grant amount would be reduced if the scope is changed. The Manager said it is a possibility. Staff believes the County can make the project work with the PARTF grant, easement, donations and County funds. Commissioners would have to approve the project before any monies are spent. The Manager said the State is favorable to the idea of an ADA accessible park.

Commissioner Hawkins agreed with the Manager's recommendation of moving ahead with Option 4. He commended the Manager and Mr. Pangle for the work they have done and trying to find solutions to the obstacles they have been facing.

**Commissioner Hawkins made a motion to discuss a possible scope change with the State Division of Parks and Recreation to lower the total project scope to \$651,300 and negotiate with the owner on the price of the property if the scope can be changed, seconded by Chairman Chappell.** Commissioner Hogsed said he would have preferred to move forward with Option 2 or 3. He said the property owner has sacrificed a great deal to try to make this project happen. He said while he understands the Board wants to keep the County's portion as small as possible, this is a once in a lifetime opportunity that will benefit the County for generations. Commissioner Hawkins said the County may not have the funds to spend in other critical areas, especially in the current economic climate. After further comments, **the motion passed unanimously. (4 to 0, Commissioner Phillips absent)**

## US 64 AND NC 280 CORRIDOR STUDY

Planning and Economic Development Director Mark Burrows followed up on the joint meeting of the Board of Commissioners and Brevard City Council last Tuesday. He showed a Power Point Presentation outlining the process. He recognized those who served on the Corridor Study Committee.

This process began when the City of Brevard approached the citizens of Pisgah Forest and other areas about expanding its ETJ. The citizens of Pisgah Forest asked the County for its help because they did not want the City to extend its ETJ into their community because the citizens would not have a voice in Brevard City Council. Both Boards met and formed a study committee consisting of representatives from the City, the County and the Pisgah Forest community. The Committee met several times over the summer and Mr. Burrows reviewed some of the recommendations.

The Study Committee had several specific tasks:

1. To identify and recommend growth management objectives and tools for the proposed corridors.
2. To identify and recommend the geographic boundary to which these tools will apply.
3. To recommend a timeline and implementation strategy for implementation.
4. Prepare and present the information at a joint meeting of Brevard City Council and the Board of Commissioners.

The common themes the Committee discussed were maintaining the character of the Pisgah Forest community, the impact of future water and sewer extensions, concern about other jurisdictions extending their ETJ's into the corridors, and ensuring safety issues are addressed as they relate to highway access.

In order for the County to prevent a municipality from extending its planning jurisdiction or ETJ, it must have three things in place, according to North Carolina General Statutes: enforce North Carolina Building Code, enforce Subdivision Control Ordinance (both of which the County has and enforces), and enforce zoning. Zoning requires a minimum of 640 acres and 10 or more contiguous parcels. Mr. Burrows emphasized that this project does not have to be implemented countywide, but rather in a targeted area, such as the corridor.

The Committee's recommendations are:

1. The study area is defined as all highway frontage properties from the Highway 64/280 intersection to the intersection of Glade Creek Road and again from the Highway 64/280 intersection to the intersection of Hudlin Gap Road and one parcel deep.
2. The Committee worked to identify management issues that were a balance between the City's UDO and what the County either has or may adopt. The citizens of Pisgah Forest are very concerned about the City of Brevard extending its planning jurisdiction into their community.
3. The Committee said they would like the County Commissioners to task the



- Planning Board with looking at community character and density, to maintain safe roads and highway access, to look at corridor setbacks and buffers, to look at signage (although the County's current sign ordinance would be adequate), to look at flood control/storm water/stream buffers/steep slope, which they believed the County's flood control ordinance was adequate and probably does not need to be changed; evaluate the County's ridge top ordinance; be friendly to industry.
4. The Committee recommended County Commissioners charge the Planning Board with completing this project and presenting to Commissioners within 12 months, with the adoption of the proposed growth management tools occurring within two months after the presentation to the Board.
  5. Also recommended was looking at water and sewer policies. Currently the County and the City has a joint water and sewer policy agreement. Water and sewer are one of the fundamental pieces that can change the character of an area. They suggested that within six months the County, the City and the Town of Rosman develop a water and sewer extension policy.

Mr. Burrows discussed the possibility of a moratorium on development as a tool to controlling growth while the Planning Board does its work. He said this would be problematic because the two things the County would be limiting, building permits and new subdivisions, apply countywide.

Mr. Burrows said the City of Brevard could have extended its ETJ if it wanted to but in a good faith effort, the City is looking for the County to instruct the Planning Board to develop a plan that will address the City's concerns.

Chairman Chappell allowed comments and questions from the public.

Al Morgan: Mr. Morgan spoke in opposition of the expansion to the ETJ. He is worried that the City will just continue to expand its planning jurisdiction if someone expressed a need for utilities. The Manager said the City can only extend its ETJ one mile outside its own jurisdiction. In order for them to expand further, they would have to annex more of an area, which is an expensive venture.

Spud Ayers: Mr. Ayers spoke against the ETJ, the UDO and zoning. The City of Brevard, in his opinion, is keeping small businesses out of the Brevard because of the restrictions placed on them by UDO. Mr. Ayers said he hopes the County realizes the citizens already protect the corridors.

Ken Norman: Mr. Norman served on the Corridor Study Committee. He said if the County does not act, the City will extend its ETJ, which he believes is unconstitutional. He said the citizens of Pisgah Forest do want to be regulated at all but because they have no choice, they are asking the County to take action to preserve the rights of the citizens of Pisgah Forest. He encouraged the Board of Commissioners to consider the recommendations of the Committee.

Keith Norman: Mr. Norman said, according to the Transylvania Times, the City believes

land use management is needed along the Highway 64 and 280 corridors to deal with the impact of new development, including the proposed the Davidson River Village on the former Ecusta property. Mr. Norman said he does not see the new development. He believes the County already has measures in place to take care of issues, such as well and septic regulations, etc. He asked the Board to take that into consideration. He also recommended Commissioners vote to place a moratorium on development if they have the power to do so.

Commissioner Bullock said he willing to instruct the Planning Board to move forward with the approval of the citizens of Pisgah Forest. Commissioner Hogsed agreed, adding that the goal is to preserve the character of Pisgah Forest.

Bill Cash: Mr. Cash asked Commissioners how they would go about getting lighting coming down Little Mountain going into Hudlin Gap because it is difficult to see at night. Chairman Chappell said he would pass along his concerns to the Department of Transportation. Commissioner Hogsed added that one of the major discussions of the Committee was traffic safety, lighting, and turning lanes. He said if the Board instructs the Planning Board to move forward, they will be considering these issues. He encouraged the citizens of Pisgah Forest to attend the Planning Board meetings because they are open to the public.

Commissioner Hawkins thanked those who have given so much time and energy on the Corridor Committee over the past few months. He said he shares the same concerns with the residents of the Pisgah Forest community. He said he believes this process can be positive and will benefit the community while preserving its character.

Commissioner Hogsed said the intention of the Committee at this point would be for the Board to accept the report and then turn it over to the Planning Board. The Planning Board needs to begin crafting policies around the recommendations the Committee put forth. Chairman Chappell agreed with sending this report to the Planning Board, but clarified that the report only recommends the frontage properties along the corridors, not countywide. Commissioner Bullock agreed and noted that the citizens of Pisgah Forest need to remain part of this process.

After further comments, **Commissioner Hogsed moved to accept the report and send the recommendations to the Planning Board, seconded by Commissioner Bullock. The motion was approved unanimously. (4 to 0, Commissioner Phillips was absent.)**

Chairman Chappell called for a recess at 8:45 p.m. The meeting reconvened at 9:00 p.m.

## NEW BUSINESS

### TRANSYLVANIA COUNTY BOARD OF EDUCATION CLAIM FOR LOTTERY FUNDS

The Manager reported that the Transylvania County Board of Education is requesting that the Board of Commissioners approve their request to draw down \$319,158 in Lottery

Funds for reimbursement of a large portion of the roof work at Rosman High School. There is \$341,058.89 in Lottery Funds available. Lottery Funds are slated for school capital projects and disbursement of those funds must be approved by the Board of Commissioners. The Manager requested permission from the Board to allow the Chairman to sign future requests without having full Board approval.

Commissioner Hogsed said he would prefer to bring all requests for Lottery Funds before the full Board to keep local government transparent. Commissioners agreed.

**Commissioner Hogsed moved to approve the request from the Board of Education for \$319,158 from Lottery Funds, seconded by Commissioner Bullock and unanimously approved. (4 to 0, Commissioner Phillips was absent)**

#### REQUEST FROM THE TOWN OF ROSMAN

The Manager reported that the Rosman Board of Aldermen has requested monetary assistance from the Board of Commissioners to help with a project at Rosman Middle/High School which entails adding turning lanes and curb and guttering. The approximate cost of the pole and wiring relocation, telephone wiring relocation, CATV wiring relocation, and sidewalk installation is approximately \$48,000, which is more than they had anticipated. They are requesting any amount of monetary assistance from the County if possible. The Manager further reported that the Board of Education committed \$6,000 towards the project. Other funding sources are not available since the project is already well under way. These projects are being completed for safety reasons. He suggested the County also commit \$6,000 in assistance to the Town of Rosman.

Commissioner Hawkins asked if the Board of Education had requested these projects. The Manager said the Town of Rosman and the Board of Education worked together on these projects but he did not know if the Board of Education made a specific request for the improvements.

Commissioner Bullock explained the project in further detail, emphasizing the project is being undertaken for safety purposes.

**Commissioner Hawkins moved to approve the allocation of \$6,000 to match the Board of Education's allocation and work with the Town of Rosman to see if this meets their needs in order to finish the project, seconded by Commissioner Hogsed. After further comments, the motion was unanimously approved. (4 to 0, Commissioner Phillips was absent.)**

#### APPLICATION FOR MATCHING GRANT FOR SEPTAGE PRETREATMENT

A Public Hearing was held earlier the meeting. There were no comments from the public.

The County had received grant funding to construct the current septage pretreatment facility. The County and City entered into an agreement in 1987 by which the City would operate and maintain the facility. The current facility has been deemed obsolete.

The Manager noted that Commissioners could decide to renovate the facility, but the renovations would be short term, or construct a new facility. When staff began looking at this project, Commissioners instructed the Manager to work with the Town of Rosman about the possibility of building the facility in Rosman. Staff received no response from Town officials. The City of Brevard has conducted the preliminary engineering report on the current facility and recommends that it be replaced.

The Manager suggested that if the grant is awarded and Commissioners accept the grant award, the remaining funds should come from undesignated capital reserve funds. The estimated cost of building a new facility is \$420,000, but bids could be much lower depending on the economic situation. A new facility would be available to customers after hours and on weekends. If Commissioners decide they are not interested in having this type of facility in Transylvania County, haulers would have to travel to Henderson County which has the closest facility. The Manager expressed concern that if Transylvania County does not provide this type of facility, waste could potentially be dumped into rivers and streams. If constructed, the County would enter into an agreement with the City of Brevard whereby the fees collected would first pay for the ongoing maintenance and daily operation of the facility and the excess would be saved in a fund for necessary renovations or the construction of a new facility in the future. He recommended that Commissioners move forward with the grant application.

Chairman Chappell asked staff to continue seeking other grant or funding opportunities. The Manager agreed, noting staff is only aware of this particular grant at this time.

Commissioner Bullock asked who will be responsible for assuring that the fees are managed properly. The Manager said the procedure will be outlined specifically in the memorandum of understanding with the City of Brevard and he and the Finance Department will provide the oversight.

Chairman Chappell agreed that the memorandum of understanding should be very specific about the terms and the fees should be more competitive with surrounding counties. The Manager said the goal is to provide a service to the citizens but also ensure that haulers from other counties are not dumping their material in Transylvania County.

Commissioner Hawkins suggested Commissioners consider two tier pricing, one for in-county and one for out-of-county, which can be explored further in the future.

**Commissioner Hawkins moved to allow staff permission to apply for the grant, seconded by Commissioner Hogsed.** Commissioner Bullock inquired about the next step in the process. The Manager said no further engineering work will be done until the County learns whether or not it is awarded grant funding. Mr. Thomas reminded Commissioners to specifically approve the resolution which is part of the application package. With no objection from Commissioners, **Commissioner Hawkins amended his motion to include the approval of Resolution 01-09 Grant Application for Septage Pretreatment Facility.** Commissioner Bullock clarified that staff will not move forward until a memorandum of understanding is reached with the City of Brevard. After

further comments, **the motion passed unanimously. (4-0, Commissioner Phillips absent)**

(Resolution 01-09 Grant Application for Septage Pretreatment Facility is hereby incorporated by reference and made a part of these Minutes.)

**PROPOSED NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS  
LEGISLATIVE GOALS AND POLICY STATEMENT**

The North Carolina Association of County Commissioners (NCACC) will hold a meeting on January 15-16 to discuss the legislative goals and policy statements for FY 2009-2010. Commissioner Bullock has agreed to attend this meeting and represent Transylvania County.

Commissioner Bullock said the NCACC has put forth many recommendations for the coming year. He said he does not want to vote his support for anything the entire Board may not agree upon. He mentioned that the NCACC continues to push for various revenue options for counties; however he noted that citizens have continuously voted against these revenue options in counties across the State. Chairman Chappell agreed and added that all counties should have the same options available to them.

Commissioner Bullock also discussed Lottery Funds stating they should be distributed to counties per student. Commissioner Hogsed agreed and asked Commissioner Bullock to advocate on behalf of the County.

**Commissioner Hawkins moved that all Commissioners communicate to Commissioner Bullock about issues that are important to each Commissioner and asked that Commissioner Bullock report back to the Board after the NCACC meeting, seconded by Commissioner Hogsed and unanimously approved. (4 to 0, Commissioner Phillips absent)**

**MANAGER'S REPORT**

The Manager reported the following:

- The County received a letter today announcing the receipt of a \$250,000 Community Development Block Grant for the Small Business and Entrepreneurial Program which will assist Surface Arts and American Carolina Lighting.
- The Health Department will begin moving to the 3<sup>rd</sup> Floor of the Social Services Building tomorrow.
- The State requires County officials to complete ICS 300 and 400 classes. ICS 300 classes are scheduled for March 19 and 20 from 8:00 a.m. to 6:00 p.m. at Blue Ridge Community College. ICS 400 classes are scheduled for March 31 and April 1 from 8:00 a.m. to 5:00 p.m. and 8:00 a.m. to 12:00 p.m. respectively.
- The Manager is trying to schedule a public meeting on the reclassification of Horsepasture River at the end of January in Sapphire. Comments are due to the State on the two proposals by February 15, 2009. The Manager will bring a proposal before the Board at the February 9, 2009 Board meeting.

## PUBLIC COMMENT

Jack Hudson: Mr. Hudson urged the Board to move forward with building a new Courthouse at the Morris Road site. He said the Space Needs Study has already been completed and a project of this nature will help to create jobs in Transylvania County.

Joseph Narsavage: Mr. Narsavage spoke about the potential park at Connestee Falls and applauded the Board for attempting to secure the land for the project.

Mark Burrows: Mr. Burrows recognized the efforts by Bill Layton and the Senior Resource Network and the Transylvania Partnership for obtaining grant funding for Surface Arts and American Carolina Lighting. He also recognized that both businesses have committed to spending a great deal of their own money to match the grant funding and they plan to create approximately 10 jobs in the County. The County continues to receive these types of grants because the County continues to prove it can adequately use the funds and because of the oversight and management that staff provides over these funds.

## COMMISSIONERS' COMMENTS

There were no comments from Commissioners.

**Chairman Chappell move to go into Closed Session per NCGS 143-318.11 (a)(3) to consult with an attorney regarding potential legal action and per NCGS 143-318.11 (a)(5) to instruct staff or negotiating agents regarding the acquisition of real property, after a 5 minute recess, seconded by Commissioner Bullock and unanimously carried.**

## CLOSED SESSION

Pursuant to NCGS 143-318.11 (a)(3), Closed Session was entered into. Present were Chairman Chappell, Commissioners Bullock, Hawkins and Hogsed, County Manager Artie Wilson, Finance Director Gay Poor, County Attorney David Neumann and Clerk to the Board Trisha McLeod.

Commissioners and the County Attorney discussed possible legal action and directed staff on how to proceed.

Pursuant to NCGS 143-318.11 (a)(5), to instruct staff or negotiating agents regarding the acquisition of real property. Present were Chairman Chappell, Commissioners Bullock, Hawkins and Hogsed, County Manager Artie Wilson and Clerk to the Board Trisha McLeod.

Commissioners discussed the acquisition of real property and instructed staff on how to proceed.

**Chairman Chappell moved to reenter Open Session, seconded by Commissioner Bullock and unanimously carried.**

**OPEN SESSION**

**Chairman Chappell moved to seal the Minutes of both Closed Sessions, seconded by Commissioner Hogsed and unanimously approved. (4 to 0, Commissioner Phillips absent)**

**ADJOURNMENT**

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

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Jason R. Chappell, Chairman  
Board of County Commissioners

ATTEST:

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Trisha D. McLeod  
Clerk to the Board