

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
June 8, 2009 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, June 8, 2009 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Chairman Jason Chappell, Mike Hawkins, Daryle Hogsed, and Vice-Chairman Kelvin Phillips. Commissioner Lynn Bullock 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 25 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 the members of the audience for participating in their County government.

PUBLIC COMMENT

There were no comments from the public.

AGENDA MODIFICATIONS

There were no Agenda modifications.

Commissioner Phillips moved to approve the Agenda as submitted, seconded by Commissioner Hogsed 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 of the May 12, 2009 Special Joint Meeting with Brevard City Council were approved.

FACILITIES USE REQUESTS

The use of the Courthouse gazebo by the Rotary Club on June 27, 2009 from 8:00 a.m. to 4:00 p.m. for a food drive for the Sharing House was approved.

PRESENTATIONS/RECOGNITIONS

RESOLUTION 31-09 IN RECOGNITION OF BARBARA FAYE LAWRENCE

Effective July 1, 2009 Faye Lawrence will retire from Transylvania County where she has been an employee since 1981.

Commissioner Hogsed moved to approve Resolution 31-09 In Recognition of Barbara Faye Lawrence, seconded by Commissioner Phillips and unanimously approved.

Finance Director Gay Poor and Commissioners expressed their gratitude to Ms. Lawrence for her many years of service to Transylvania County and presented her with the resolution.

(Resolution 31-09 In Recognition of Barbara Faye Lawrence is hereby incorporated by reference and made a part of these Minutes.)

TRANSYLVANIA ARTS PROMOTION

Ms. Lynne Warner, with Transylvania Arts Promotion, gave a presentation on Arts and Culture Week and discussed the events that will occur during the week of June 26 – July 4, 2009.

Commissioner Hogsed moved to approve Proclamation 32-09: Arts and Culture Week June 26 – July 4, 2009, seconded by Commissioner Phillips and unanimously approved.

(Proclamation 32-09: Arts and Culture Week June 26 – July 4, 2009 is hereby incorporated by reference and made a part of these Minutes.)

CERTIFIED ENTREPRENEURIAL COMMUNITY DESIGNATION

Chairman Chappell reported that Transylvania County was recently recognized as the second county out of twenty three western counties in the Advantage West Region to be awarded the designation of a Certified Entrepreneurial Community. Mr. Bill Layton explained that this process was started as a way to make it possible for new and existing businesses to grow and survive in Transylvania County.

Commissioners thanked Mark Burrows, Mike Thomas, Bill Layton and Trish Hamilton, all staff in the Planning and Economic Development Department, and the County's economic partners for their efforts in obtaining this distinguished designation and presented Mr. Layton with the certificate.

APPOINTMENTS

NURSING/ADULT CARE HOME ADVISORY COMMITTEE

Commissioner Hawkins moved to reappoint Lana Burgess, Marty Griffin and Barbara Johnson to additional terms, seconded by Commissioner Phillips and unanimously approved.

LIBRARY BOARD OF TRUSTEES

Commissioner Hogsed moved to reappoint Mark Lemel and Mike Shelley, seconded by Commissioner Hawkins and unanimously approved.

DANGEROUS DOG REVIEW BOARD

Commissioner Hogsed moved to reappoint Dr. Christine Weaver, seconded by Commissioner Phillips and unanimously approved.

Chairman Chappell moved to waive the term limits and reappoint Barbara Axel and Nancy Pfeiffer, seconded by Commissioner Hawkins and unanimously approved.

NEW BUSINESS

BIDS TO COMPLETE THE CRAB CREEK, CATHEY'S CREEK, EAST FORK AND MIDDLE FORK STREAM BANK PROJECTS

The Manager reported that the Soil and Water Conservation Board recently requested bids to complete the Crab Creek, Cathey's Creek, East Fork and Middle Fork Stream Bank Restoration Projects. They received nine bids ranging from \$62,989 to \$143,060. The lowest responsible bidder was John Rogers Construction at \$62,989. The Soil and Water District Conservation Board recommends awarding the bid to John Rogers Construction who has met all the criteria.

Commissioner Hogsd moved to award the bid to John Rogers Construction for \$62,989, seconded by Commissioner Phillips and unanimously approved.

REQUEST FROM ROSMAN FIRE RESCUE

Emergency Services Director David McNeill reported that Rosman Fire Rescue has received complaints regarding erosion problems on their property across from their station. They are requesting funds from reserves to cover the cost of grading, installing a catch basin, and graveling and seeding. Mr. McNeill pointed out that Rosman Fire Rescue originally requested the funding in their FY 2010 budget proposal, but in an effort to keep their tax rate low, they found they were able to fund the project by using the monies in the reserves.

Mr. McNeill further reported there are sufficient funds in the reserves to cover the project. Rosman Fire is requesting a withdrawal in the amount of \$21,350. As of the end of April, Rosman Fire Rescue's reserve account totaled \$26,941.

Commissioner Hawkins moved to approve the disbursement of \$21,350 in Rosman Fire Rescue Reserve Funds to Rosman Fire Rescue for taking care of the erosion problems, seconded by Commissioner Hogsd and unanimously approved.

MAINTAINING THE PUBLIC SAFETY FACILITY STEEP BANKS

As the completion of the Public Safety Facility nears, the Manager reported that staff has been exploring options for maintaining the steep banks on the site. Emergency Services Director David McNeill further reported that some of the banks at the site have a slope of more than 45% and are not safe to operate with a traditional mower. He discussed the potential options for maintaining the slopes.

- 1) **Mow all grass areas.** This safest and most efficient method of mowing includes the purchase of a remote mower. Several mowers have been demonstrated on site and will mow the banks. When comparing area and time needed to mow the area, these remote machines claim to do the job of four men with weed eaters over the same area. The cost of the machine is \$14,100.
- 2) This option will **only mow areas bordering the roads and sidewalks** and leave the remaining areas un-mowed. The natural succession will convert the turf areas to natural trees over time. This option does reduce the mowing required but it does not eliminate the need to maintain the steep slopes safely. Even with this option it is recommended purchasing the remote machine to mow the sedimentation ponds and borders around the banks.

- 3) This option **expedites the reforestation of the slopes and trees and is called Enhanced Managed Succession**. The overall long term result is the same as option 2 except there would be an additional upfront cost of purchasing and installing 680 seedlings at a cost of \$15,900 on the banks. There would still be a buffer area maintained beside the roads and sidewalks. This option also includes the purchase of a remote mower.
- 4) The least feasible option reviewed was to **convert the grass on the banks to Weeping Love Grass**. This would require the current grass to be killed, the soil aerated, and the slopes reseeded with Weeping Love Grass. The cost of this option is \$14,400. It is recommended maintaining a border around the sidewalks and road which includes the purchase of the remote mower.

Mr. McNeill stated the remote mower provides the safest method for mowing the slopes and is more efficient because the mowing only requires one person. He noted it would take several days and staffs to weed eat the slopes. He said he would still recommend a border around the sidewalks and curbs.

He further discussed the other options, noting that reforestation will create additional maintenance issues in the spring and fall. Staff made their decision based on the ability to maintain the property, making it nice and presentable and using techniques, methods and equipment that is safe and efficient for staff. The remote mower does all these things and staff recommended Option 1.

Richard Fry, who helps maintain the County's grounds, said he would have preferred reforestation, but with the dramatic change to the ecology of the site and the unmanageable slopes, the best option would be to leave the grass and maintain it with the remote mower. Recreation Director Rick Pangle agreed, noting the mower does a good job of maintaining the slopes and does so in a safe manner.

The Manager pointed out that staff was able to find funds in their current budgets to cover the cost of purchasing the mower. He further pointed out that the contractor is currently mowing the slopes which are labor intensive on his staff.

Commissioner Phillips inquired about the possibility of using other landscape materials, such as cotoneaster. Mr. Fry pointed out the upfront costs are extremely high. Commissioner Phillips responded that although the upfront costs would be higher, the mower requires the use of fuel and requires maintenance and labor costs with each usage. He would prefer to explore a more long term solution. Mr. Fry noted that for the first several years after planting something such as cotoneaster the area would have to be mulched and weeded and would still require quite a bit of maintenance. He said he would prefer not to use all one species of plant because a particular disease or insect could wipe it out completely. Instead he would prefer to use a variety of plants, which still is not maintenance free.

Commissioner Hogsed inquired about the warranty on the remote mower. Mr. McNeill said the mower comes with a one year warranty. He pointed out the mower uses electricity and fuel and furthermore that most of the parts for the mower can be purchased at a local auto parts store if necessary.

Chairman Chappell expressed concern about purchasing the mower at a cost of \$14,100 with a life expectancy of just 7 to 10 years. He said he would also prefer to explore a more long term solution. Mr. Fry responded that it would cost approximately \$2,000 an acre to reforest and the

cost does not include the labor of maintaining the slopes and removing invasive plants. He feels in the long term the aesthetics of the slopes would not be pleasing.

Commissioner Hogsed said he would prefer the reforestation option; however he expressed concern over maintaining safety and security at the site and said the safest option is to keep the slopes mowed.

Commissioner Hawkins commented that there is nothing to prevent a future Board of Commissioners from changing how the slopes are maintained in the future. Although he would prefer to maintain grass on the slopes, he said he would like to see cost estimates of Commissioner Phillips' suggestions. He pointed out that the neighbors will be able to view this facility and it needs to be maintained.

Commissioners instructed staff to obtain estimates on other options for the slopes. The estimates should include man hours, maintenance costs, the various landscape materials, etc. Commissioners asked staff to have this information for the next meeting.

THIRD QUARTER BUDGET AMENDMENT

Finance Director Gay Poor presented the Third Quarter Budget Amendments as follows:

During the third quarter of FY 08-09, the General Fund Budget decreased by \$168,658, bringing the total amended budget down to \$43,169,200. In response to anticipated revenue shortfalls, the General Fund budget was reduced in the second quarter by \$797,000, or 2%. However, in early 2009 the continuing decline of the local economy made it apparent that further reductions would be required. The \$326,000 originally approved for Pay for Performance in FY 09 was removed from the budget. Fortunately, lower fuel prices allowed \$158,000 to be cut from costs budgeted for gasoline and diesel. On the other hand, the transfer to Solid Waste was increased by \$172,000 to compensate for a projected 13% decrease in scale sales related to less construction and demolition waste. These budget amendments netted to a \$312,000 reduction.

Other amendments added \$143,000 to the General Fund Budget. The majority of this increase, \$104,000, is attributable to additional funds from grants and State and federal funding. An increase in Crisis Intervention funds accounted for \$63,000 of this total. Another \$42,000 was distributed from One NC Funds, the final payment from a pass-through grant for Excelsior Packaging Group, Inc. Other miscellaneous charges increased the budget by \$39,000, with the bulk of this related to a \$36,000 settlement of the property loss claim incurred for water damage in the DSS building.

Commissioner Hawkins moved to approve the Budget Amendments for the Third Quarter of FY 2009, seconded by Commissioner Hogsed and unanimously approved.

APPLICATION FOR CDBG-R HOUSING FUNDS

The Manager reported that the Division of Community Assistance issued guidelines this week for HUD stimulus funds targeted to benefit low to moderate income persons. This program is an extension of the Scattered Site Housing program, where currently there are more applications than funds available to assist everyone. The application deadline is June 12, 2009.

BenchmarkCR, the current administrator for the Scattered Site Housing program for Transylvania County, is willing to prepare the application on the County's behalf. If awarded, BenchmarkCR will administer the program for a 10% administrative fee. There will be no County funds involved. County Planner Mike Thomas estimated the application request to be in the \$200,000 to \$400,000 range and will be determined after reviewing the applicant pool.

Mr. Thomas said, because of the short time frame, the Board only has to authorize the submission of the application and authorize the Chairman to sign the official documents. He reported the State expects to receive a limited amount of funds, approximately \$12 million, and because of the approaching deadline, he expects many agencies and government entities will not apply. Commissioner Phillips asked if the funds could be accessed other than through BenchmarkCR. He said it appears that BenchmarkCR is only willing to submit the application for the County because it stands to benefit financially if the funds are awarded. Mr. Thomas explained that the 10% administrative fees covers the cost of administering the program and is the normal fee for administering these types of programs.

Commissioner Hawkins moved to authorize the application for the CDBG-R Housing Funds. The motion was seconded by Chairman Chappell. Commissioner Hawkins expressed concern over the waste that results from the use of the stimulus funds. Mr. Thomas pointed out that the Scattered Site Housing program has been successful in Transylvania County and he feels comfortable the funds will be put to good use. Commissioner Phillips agreed that the Scattered Site Housing program is a good program, but expressed concern about the use of stimulus funding. The Manager said if the County does not apply for these funds, they will go to another community. After further comments, **the motion failed by a vote of 2 to 2. Commissioners Hogsed and Phillips voted against the motion. Commissioner Bullock was absent.**

MANAGER'S REPORT

The Manager reported the following:

- Reminded Commissioners of the Special Meeting on Monday, June 15, 2009 at 7:00 p.m. for the purposes of holding a Public Hearing on the FY 2010 Budget proposal.
- Staff met with officials this past week regarding the 2010 Census. At the next meeting, staff will be asking Commissioners to appoint a Complete Count Committee to help inform citizens about the 2010 Census. Monies are awarded to counties based on the census and it is important that everyone participates.
- Reminded Commissioners on the County health insurance plan to schedule their wellness screenings. The dates are June 12, June 17, and June 24. They should contact the Clerk or Sherry Simpson in County Administration.
- The Clerk requested to schedule the Secondary Roads meeting for July 15, 2009 at 3:00 p.m. and asked Commissioners to confirm. The location will be determined at a later date.
- The Clerk asked Commissioners if they were interested in supporting a resolution to support the merchant marines. Commissioners instructed staff to gather more information and they would discuss and consider the resolution at their next meeting.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Hawkins expressed his disappointment about the Commissioners' decision to vote against the CDBG-R Housing Funds, saying that by voting against the use of these funds, the Board is taking away an opportunity to improve the homes and lives of some people in the County.

Commissioner Phillips responded, saying he has always been supportive of the CDBG program and does not believe stimulus funds will help the community in the long term.

Chairman Chappell asked for everyone to send thoughts and prayers to the family of Randy Shuler who recently lost his son-in-law.

ADJOURNMENT

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

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board