

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**January 25, 2010 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, January 25, 2010 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

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

Media: *Transylvania Times* – Mark Todd

There were approximately 40 people in the audience.

**CALL TO ORDER**

Chairman Jason Chappell presiding called the meeting to order at 7:01 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**

Jackie Whitmire: Ms. Whitmire informed Commissioners that the Transylvania County Farm Bureau Board of Directors voted at their last meeting to provide funding in the amount of \$5,000 for transactional costs for conservation easements for farmers in Transylvania County. She encouraged the Board of Commissioners to consider additional funding during their budget process, noting that transactional costs for conservation easements are approximately \$25,000.

Roger Petit: Mr. Petit expressed his dismay and opposition to some tax forms he has to complete which requires him to list the value of mobile homes located on property he owns. He said he does not own the mobile homes and should not be required to list a value on someone else's property.

**AGENDA MODIFICATIONS**

The Manager requested to add Item VI-C Appointment to Sexual Violence Prevention Task Force With SAFE, Inc. under Appointments. Commissioner Bullock requested to add Item VIII-D Midway Church Tipping Fees under New Business and move the Manager's Report to Item VIII-E.

**Commissioner Hogsed moved to approve the revised Agenda, seconded by Commissioner Bullock and unanimously approved.**

**CONSENT AGENDA**

**Commissioner Phillips moved to approve the Consent Agenda as submitted, seconded by Commissioner Hawkins and unanimously approved.**

The following items were approved:

MINUTES

The Minutes of the December 15, 2009 special joint meeting with the Transylvania County Planning Board were approved.

FACILITIES USE REQUESTS

The use of the Courthouse gazebo by the Tourism Development Authority to conduct old time street dances from 6:00 p.m. to 9:00 p.m. on the following dates was approved: June 29, Tuesdays in July, and August 3, 10, and 17.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Reports for November and December 2009 were approved.

**PRESENTATIONS/RECOGNITIONS**

RESOLUTION 61-09 IN RECOGNITION OF EDWIN AND JOAN MORROW AND M-B INDUSTRIES AS MANUFACTURER OF THE YEAR

Commissioners recognized Edwin and Joan Morrow and M-B Industries as recipients of the Manufacturer of the Year Award. Mr. and Mrs. Morrow could not attend the meeting due to a scheduling conflict. Staff will hand deliver the resolution and plaque to them at M-B Industries.

**Commissioner Hogsed moved to approve Resolution 61-09 In Recognition of Edwin and Joan Morrow and M-B Industries as Manufacturer of the Year, seconded by Commissioner Bullock and unanimously approved.**

(Resolution 61-09 In Recognition of Edwin and Joan Morrow and M-B Industries as Manufacturer of the Year is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION 03-10 IN RECOGNITION OF THE SOIL AND WATER CONSERVATION DISTRICT

Commissioners recognized and congratulated the Soil and Water Conservation District Office, Director Jeff Parker and staff for recently being named the 2009 District of the Year by the Area 1 Association of Soil and Water Conservation Districts at their annual fall meeting. They also received the award for "Outstanding Accomplishments in Natural Resources Conservation and Education" based on the accomplishments found in their annual report for 2008-2009.

**Commissioner Hogsed moved to approve Resolution 03-10 In Recognition of the Soil and Water Conservation District Office, seconded by Commissioner Bullock and unanimously approved.**

Soil and Water Board Chairman Mike Whitmire thanked the Board of Commissioners for this recognition, noting that Soil and Water Conservation staff has worked to bring in several grants over the last few years and has positively impacted students' education with their programs.

(Resolution 03-10 In Recognition of the Soil and Water Conservation District is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION 05-10 IN RECOGNITION OF BRENDA Q MORGAN

Brenda Morgan will retire from the Transylvania County Department of Social Services effective February 1, 2010 where she has been an employee since 1993. Commissioners recognized Ms. Morgan and wished her the best during her retirement.

**Commissioner Bullock moved to approve Resolution 05-10 In Recognition of Brenda Q. Morgan, seconded by Commissioner Phillips and unanimously approved.**

Social Services Director Stoney Blevins applauded Ms. Morgan for her work and for being a great employee and person.

(Resolution 05-10 In Recognition of Brenda Q. Morgan is hereby incorporated by reference and made a part of these minutes.)

PRESENTATION OF PROPOSED TRANSYLVANIA COUNTY FARMLAND PROTECTION PLAN

The Transylvania County Agricultural Advisory Board was awarded a grant from the North Carolina Agricultural Development and Preservation Trust Fund to develop a farmland protection plan for Transylvania County. In 2007 and 2008 the Board of Commissioners appropriated \$15,000 each year for farmland preservation but due to budget constraints, no funds were appropriated in 2009. The proposed plan recommends several actions that, if approved, will require additional funding. Staff is in the process of identifying the financial impact of the proposed recommendations.

Dale Robertson, Chairman of the Agricultural Advisory Board, highlighted parts of the proposed plan, noting that the final plan has been accepted by the North Carolina Department of Agriculture which puts the County in a more favorable position to receive grant monies in the future. At the time the report was completed, Transylvania County reportedly had 279 farms under 50 acres in size bringing in an annual income of less than \$2,500. The average owner was 57 years of age. Mr. Robertson noted that more and more people are becoming interested in farming and believes the County should position itself by preserving farmland and helping those who want to become farmers. The proposed plan includes 11 recommended actions. Mr. Robertson said many systems are already in place to support the recommended actions, such as soil and water conservation, best management practices, and an active Cooperative Extension Office. The report also discussed how farming and farmland preservation positively impacts tourism, the environment, the culture and heritage of Transylvania County, and the economy.

Carroll Parker further discussed the economic impact of farming and farmland preservation. He reported that in 2006 agriculture income total receipts were estimated at over \$50 million which significantly impacts communities. For Transylvania County farming is used as a way to grow the local economy because attracting large industry has been difficult. He noted that many people have adapted to their current economic situation by expanding agricultural operations and that the local Tailgate Market continues to grow. Mr. Parker believes farmland preservation is key to keeping this trend going. He encouraged the Board of Commissioners to adopt the proposed farmland preservation plan.

Commissioner Hawkins asked Mr. Parker if he envisioned a need for a more structured farmers' market component in the community. Mr. Parker replied yes, saying that over the last few years farmers' markets have exploded around the State and he thinks there will be numerous opportunities to expand. He does not see any turn around in this trend of buying and selling local

fresh foods and with the cost of production and transportation and concern about food quality increasing, the demand for expanding local farmers' markets will effectively increase as well.

**Commissioner Bullock moved to send the proposed plan to the Transylvania County Planning Board for review for compatibility with the Comprehensive Plan and have staff work with the Agricultural Advisory Board to define the financial impact of the recommendations and then bring back to Commissioners for review upon completion. The motion was seconded by Commissioner Phillips and unanimously approved.**

#### DRAFT 2010-2012 ECONOMIC DEVELOPMENT STRATEGIC PLAN

The Economic Development Advisory Board (EDAB) has been working with staff over the last several months to develop a new Economic Strategic Plan for Transylvania County. At their meeting on December 10, 2009, the EDAB unanimously voted to accept the draft 2010-2012 Economic Development Strategic Plan for submission to the Board of Commissioners for their consideration. The Strategic Plan is based on five goals:

1. Support existing businesses
2. Attract and support new diversified businesses
3. Inform elected officials, other community leaders and the public about the County's economic development actions and opportunities
4. Enhance Transylvania County's exceptional quality of life
5. Promote education and workforce development opportunities

Ultimately the primary measures of success will be the creation of new jobs and new investment in Transylvania County. The EDAB thinks the identified goals, strategies, and action items will accomplish these results over the next three years with the Board's leadership and support, as well as with the support of the community and economic allies. Staff requested that Commissioners schedule a public hearing at the next meeting at which time they plan to give a more detailed presentation and discuss the specific action items.

Commissioners thanked staff and members of the EDAB for the time and effort they put into this plan. Commissioners scheduled the public hearing for the next meeting on February 8, 2010.

### **APPOINTMENTS**

#### BOARD OF HEALTH

**Commissioner Hawkins moved to appoint Jeanne Byrne to fill the vacancy, seconded by Commissioner Bullock and unanimously approved.**

#### PLANNING BOARD

**Commissioner Bullock moved to reappoint Mason Sexton to an additional term, seconded by Commissioner Phillips and unanimously approved.**

**Chairman Chappell moved to reappoint Mason Sexton as Chairman for 2010, seconded by Commissioner Phillips and unanimously approved.**

#### APPOINTMENT TO SEXUAL VIOLENCE PREVENTION TASK FORCE WITH SAFE, INC.

SAFE, Inc. has created a Sexual Violence Prevention Task Force with the help of grant funding. The task force will engage the entire community in the process of developing and implementing strategies to prevent sexual violence. The Board of Commissioners has been identified as a primary stakeholder in the community and SAFE, Inc. has requested its assistance to help develop

these strategies. The first task force meeting is scheduled for January 29, 2010 at 11:00 a.m. at SAFE, Inc.

Commissioners instructed the Manager to attend the first meeting and gather more information to bring back to the Board for their consideration.

## **OLD BUSINESS**

### ADOPTION OF RESOLUTIONS AND POLICIES REQUIRED FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR GAIA HERBS

The Board of Commissioners has held two public hearings on the Community Development Block Grant (CDBG) application for GAIA Herbs. At the previous meeting, Commissioners adopted two resolutions approving the application. Commissioners also approved an Analysis of the Impediments to Fair Housing in Transylvania County and an Anti-Displacement and Relocation Plan. Commissioners must now also approve a resolution adopting a Procurement Plan and a Citizen Participation Plan. These documents are required and will be included in the application packet for GAIA Herbs.

**Commissioner Bullock moved to approve Resolution 04-10 Procurement Policy for the Community Development Block Grant Program and the Citizen Participation Plan and authorize the Chairman to sign the Request for Release of Funds and Certification. The motion was seconded by Commissioner Phillips and unanimously approved.**

(Resolution 04-10 Procurement Plan for Community Development Block Grant Program is hereby incorporated by reference and made a part of these minutes.)

### PARTF GRANT APPLICATION FOR COMMUNITY PARK

At the direction of the Board of Commissioners, the Manager and staff have been working on a Parks and Recreation Trust Fund (PARTF) grant application in the amount of \$100,000 to complete phase one of a community park project near Rosman, making the total for phase one \$200,000. The County would have to match \$100,000. He, Parks and Recreation Director Rick Pangle and Mike Norris of McGill Associates met to determine what components to include in phase one for this dollar amount and to put together a grant application they felt would be acceptable by PARTF. The Manager noted that these grants are very competitive and in order to qualify the project must include at least three recreational components. After meeting with staff, Mr. Norris provided the preliminary plans which included a track, a request made by Transylvania County Schools.

The Manager and staff have divided the project into three phases; with phase one including all of the grading, erosion and water control. Also included in phase one is a small baseball/softball field with a backstop, a playground, and ¼ mile walking track, a volleyball court, two horseshoe pits, 25 parking spaces, and the grading and seeding for the large baseball field, multipurpose field and track. The grant application includes funds for obtaining the no rise certification and permit fees. Restrooms, concessions, and other amenities are included in future phases of the project.

The total cost of phase one as defined by the Manager is \$357,000 and would require a County match of \$178,500. The Manager noted the grant application is larger than the Board has indicated, but he and staff feel these items should be included in phase one for the Board's consideration. The Manager offered the following funding alternatives:

1. County funding in the amount of \$100,000 to come from the Fund Balance; Community funding in the amount of \$78,500 since the community has expressed support for this project.
2. County funding in the amount of \$178,500 to come from Fund Balance
3. Increase ad valorem tax rate by 0.3084 cents/\$100 value

Parks and Recreation Director Rick Pangle added that he believes phase one can be completed for much less, especially with community support, but the figures included in the application are based on how much the experts believe phase one will cost.

Commissioner Hawkins inquired about the surface for the track. Mr. Pangle noted that only the grading for the track has been included in phase one. As far as the type of surface it will have, Mr. Pangle said the track will have a competitive, asphalt-type surface and will cost in the neighborhood of \$600,000 to complete.

The Manager requested permission for staff to move forward with completing the master site plan for the park and obtain all necessary permits and certifications while waiting on the outcome of the PARTF grant and to work with the Board of Education to discuss funding for the track in a future phase. Furthermore, he recommended the first funding alternative whereby the County would draw down \$100,000 from Undesignated Fund Balance and the remaining \$78,500 would come from the community. The grant application is due February 1, 2010 and grants are awarded in May and July of 2010. The cost of the permits and certifications is \$36,000 and would come from contingency funds, 50% of which will be reimbursed if the PARTF grant funds are awarded to the County.

Commissioners expressed their support for the project and thanked the Manager and staff for their work on the grant application.

**Commissioner Hogsed made a motion to move forward with the application for the PARTF grant for phase one pursuing the funding option that was recommended in option 1 (County funding \$100,000 from Fund Balance and the community funding \$78,500). The motion was seconded by Commissioner Phillips and unanimously approved.**

Commissioners thanked Tim Petit and others in Rosman for keeping this project on the forefront of the Board's attention. Mr. Petit challenged the County on some of the costs for the project and believes the costs can be reduced, particularly with community involvement.

## NEW BUSINESS

### APPLICATION FOR HOME PROGRAM DOWN-PAYMENT ASSISTANCE

Western Carolina Community Action (WCCA) has requested to apply for grant funding through the Asheville Regional Housing Consortium which would provide down payment assistance for low income first time homebuyers. The high cost of housing in Transylvania County has been identified as a major concern for many people. It is estimated that these funds would be able to assist four low income first time homebuyers. The WCCA would like to make application for \$23,100 which would require a County match of \$7,700. The program would be administered by the WCCA with grant funds being passed through the County. One grant stipulation is if the homeowner sells the home during the period of affordability to a non-income eligible buyer, the entire second mortgage would become due and payable which would come from the proceeds from the sale. The HOME assistance funds would revert back to the County to be used again for

another low income homebuyer. The Manager noted that applications are due now however the funds will not be available until FY 2011.

Sheryl Fortune with WCCA explained that these monies are part of the monies allocated to Transylvania County. In years past they have used these funds toward construction projects. The WCCA is eligible to apply for those funds directly on their own behalf. This type of funding must be applied for by the County. The WCCA is capable of administering the grant. The WCCA has eight pre-qualified homebuyers who have taken all the prerequisites and they are currently searching for property. The WCCA has been involved with the Workforce Housing Coalition and have entered into a memorandum of understanding with United Way, the Workforce Housing Coalition, and other organizations who are building homes. They anticipate that with the market and foreclosures they will have products for these families. They see this as an opportunity for the County to help families in the community.

The Manager recommended Commissioners approve the grant application and matching funds from the County as a small investment towards addressing the problems associated with high housing prices making homeownership beyond reach for so many County residents.

**Commissioner Hogsd moved to approve the application from WCCA to the Asheville Regional Housing Consortium recognizing that, if approved, will require a \$7,700 match from the County in FY 2011. The motion was seconded by Commissioner Bullock and unanimously approved.**

#### 2009 DELINQUENT TAXPAYER LIST

Per North Carolina General Statute 105-369, a county tax collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens. Tax Administrator David Reid noted his staff will be working on trying to collect these delinquent taxes before advertising. The successful collections will be removed from the list before advertising.

**Commissioner Hogsd moved to approve the 2009 Delinquent Taxpayer List and ordered Tax Administrator David Reid to advertise the list per North Carolina General Statute 105-369, seconded by Commissioner Hawkins and unanimously approved.**

Mr. Reid noted that Transylvania County has currently collected 91% of taxes owed which is less than one tenth of a percent from this time last year. He noted that taxpayers utilizing a payment plan structure to pay their taxes are not included on the delinquent list for advertising.

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

Sheriff Mahoney requested that the Board of Commissioners adopt a resolution to allow the Sheriff to enter into mutual assistance agreements with other law enforcement agencies in accordance with reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies. A resolution was first approved by Commissioners on January 26, 2009 and should be approved annually.

**Commissioner Hawkins moved to approve Resolution 06-10 Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies, seconded by Commissioner Hogsd and unanimously approved.**

(Resolution 06-10 Adopting a Policy for Mutual Assistance with other Law Enforcement Agencies is hereby incorporated by reference and made a part of the minutes.)

#### MIDWAY CHURCH TIPPING FEES

Commissioner Bullock brought this forth for the Board's consideration. Midway Baptist Church recently burned and the cost of rebuilding is more than they have anticipated. They have talked with Commissioner Bullock about the possibility of the County waiving the tipping fees for the debris that has been hauled to the landfill. The Manager noted that the County has set up a charge account for them and that in the past it has not been a policy of the County to waive tipping fees. This request must be made to the Board of Commissioners for their consideration. Commissioner Bullock added that he does not yet know the tipping fee amount but Midway Baptist Church is ready to clear up their bill, either by paying it or the Board waiving it.

Commissioner Hogsted said while this has not been a policy in the past, Midway Baptist Church has had a very unfortunate event to befall them and he believes when the community bonds together to help one another the County needs to do its part as well. Commissioner Phillips agreed with Commissioner Hogsted, saying this is an unusual situation and the Board should look at each situation uniquely. He agreed with supporting their request to waive the tipping fees.

**Commissioner Phillips moved to waive the tipping fees for Midway Baptist Church. The motion was seconded by Commissioner Bullock.** Commissioner Hawkins suggested that the Manager and Midway Baptist Church meet and discuss other options. He is hesitant about waiving the tipping fees not knowing what those fees are. After further comments, **the motion passed 4 to 1, with Commissioner Hawkins voting against.**

#### MANAGER'S REPORT

The Manager reported the following:

- Staff continues to work on a financing agreement with BB&T for the Career and Technical Education Building at Rosman High School. The Board of Education is meeting tonight to pass a resolution regarding the funding. They will be required to deed the property to the County to be used as collateral on the loan and the County will lease it back to them. Staff is working to meet the schedule in order to close on the loan in February. The Board of Education is committed to taking any excess funds to construct the facility from their Fund Balance and lottery funds.
- Staff continues to work on the Connestee Falls project. The insurance company recommended installing some safety measures while the County waits to get the project started. Staff will install a fence designating it as a construction area and put up "no trespassing" signs.
- The County is working on the 2010 Census. The Complete Count Committee met last week and staff is exploring sites where the County can place information for citizens. He noted the importance of all citizens being counted because a lot of the County's funding is distributed on a per capita basis.
- Staff is looking at alternatives for storm water retention at the Public Safety Facility and will be meeting with the City to discuss further. Staff will then bring back a recommendation to the Board.
- Staff is working on closing out the Public Safety Facility project.
- Staff continues to work on finding potential sites for an animal shelter.
- Staff continues to work on space needs issues for the Courthouse and will bring back information to the Board at a future meeting.

- Proposed a joint meeting with the City of Brevard on February 22 to discuss the draft Pisgah Forest Zoning Ordinance. The Manager is waiting to hear back from the City to confirm the meeting.

### PUBLIC COMMENT

Tim Petit: Mr. Petit announced that Rosman Little League has merged with the Transylvania Little League. The Rosman Little League Board can not dissolve until their funds are spent. They have approximately \$2,500 remaining in the account and they are willing to put the money into the community park, particularly for a backstop.

David Reid: Tax Administrator David Reid responded to a statement made earlier in the Public Comment period by Roger Petit. He said North Carolina General Statute 105-316 (a) (1) says that any owner of most mobile home parks must list the owners of the mobile homes and a description of the mobile homes, but not the value. The Tax Office only requires the owner to list the value if he or she just purchased the property.

Ken Norman: Mr. Norman said some members of the Pisgah Forest community do not agree with the boundaries recommended for zoning in the draft ordinance. He noted that the City is only interested in protecting the corridors. He further noted that citizens in the Davidson River and Cemetery Roads communities are also under the threat of the ETJ. Mr. Norman said he and others would like to see the City and County negotiate zoning in these areas only.

### COMMISSIONERS' COMMENTS

Commissioner Hogsed responded to Mr. Norman saying that should the County move forward with establishing zoning in the Pisgah Forest area, he believes the boundaries will need to be negotiated.

Commissioner Hawkins announced that the Sesquicentennial Steering Committee is holding two public meetings on January 28 at Rosman Elementary School and February 2 at the Transylvania County Library from 5:30 p.m. to 7:00 p.m. Transylvania County will be celebrating its 150<sup>th</sup> anniversary as a County in 2011. The Steering Committee is working to organize and facilitate a series of events in 2011 to commemorate the anniversary. The purpose of the public meetings is to get input from the community about events and activities that they might want to see in the celebration.

### ADJOURNMENT

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

ATTEST:

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Jason R. Chappell, Chairman  
Board of County Commissioners

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Trisha M. Hogan  
Clerk to the Board

