

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**April 12, 2010 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, April 12, 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 15 people in the audience.

**CALL TO ORDER**

Chairman Jason Chappell presiding called the meeting to order at 7:02 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**

Larry Chapman: Mr. Chapman commended the Board on their recent action to change auditors because he felt it was a good business decision.

Lisa Landis: Ms. Landis invited Commissioners to attend a severe weather workshop at UNC Asheville and a fundraiser to help the homeless. She also expressed concern about changes in the earth's climate and asked what plan the County would follow if marshal law were declared. Commissioner Hogsed responded that he hoped Transylvania County would be able to govern itself. Ms. Landis was in agreement.

**AGENDA MODIFICATIONS**

There were no Agenda modifications.

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

**CONSENT AGENDA**

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

The following items were approved:

MINUTES

The minutes of the February 23, 2010 Special Meeting and sealed Closed Session and the minutes of the March 8, 2010 and two sealed Closed Sessions were approved.

UNSEALING OF CLOSED SESSION MINUTES

The following sealed closed session minutes were unsealed at the recommendation of the County Attorney and County Manager. The purposes of the closed sessions are no longer frustrated by keeping them closed.

January 12, 2009	Consult with an attorney regarding potential legal action
January 12, 2009	Acquisition of real property
March 23, 2009	Acquisition of real property

FACILITIES USE REQUESTS

The use of the Courthouse gazebo by the Brevard/Transylvania Chamber of Commerce on May 6, 2010 from 6:00 a.m. to 10:00 a.m. for a live Fox News Carolina broadcast was approved.

The use of the Courthouse gazebo by NAMI Transylvania Advocates on May 15, 2010 from 10:00 a.m. to 2:00 p.m. for a bake sale fundraiser was approved.

The use of the Courthouse gazebo by the Transylvania Art Guild on June 12, 2010, August 7, 2010 and September 4, 2010 from 8:00 a.m. to 5:00 p.m. for art shows was approved.

**PRESENTATIONS/RECOGNITIONS**PROCLAMATION 13-10 OLDER AMERICANS MONTH MAY 2010

Louise Koontz with Transylvania County Council on Aging has requested that Transylvania County recognize the many contributions of its senior citizens and designate the month of May 2010 as Older Americans Month. Commissioners have adopted proclamations annually for the past few years.

**Commissioner Hogsed moved to approve Proclamation 13-10 Older Americans Month May 2010, seconded by Commissioner Phillips and unanimously approved.**

(Proclamation 13-10 Older Americans Month May 2010 is hereby incorporated by reference and made a part of these minutes.)

**NEW BUSINESS**REQUEST FROM BREVARD RESCUE SQUAD

The Manager reported that he received a request from Brevard Rescue Squad asking to end its current lease with the County and in turn the County would donate the property to Brevard Rescue Squad. He offered some background on the lease agreement with Brevard Rescue Squad.

In August 1999 the Transylvania County Rescue Squad Brevard Unit, Inc. entered into a lease agreement with Transylvania County for a period of 50 years. The main points of the lease include:

1. Maintenance - The Brevard Unit shall bear all the costs of any repairs or improvements to the subject property and shall obtain written approval from the County before making any repairs or improvements in excess of \$25,000. Approval will not be unreasonably withheld.

2. Early Termination of lease - In the event the County needs the property described hereinabove for use by the County, this lease shall terminate upon two (2) years notice by County to the Brevard Unit, paying Brevard Unit an amount determined by multiplying \$200,000 by a fraction, the numerator of which is 600 minus the number of months having elapsed from the beginning date of the contract and lease and the denominator being 600.

The parcel of property is located on Fisher Road near Brevard Middle School. The property has an assessed value of \$60,236. Staff recognizes the importance of Brevard Rescue Squad but also recognizes the valuable location and value of the property. The Manager noted that the property is in an ideal location for potential use either by the school or as an emergency management base. Staff would like to work with Brevard Rescue Squad and ensure that they maintain their operations at the current location but he does not believe it is in the County's best interest to give away or sell the property.

Brian Kreigsman addressed the Board on behalf of Brevard Rescue Squad. He noted that Brevard Rescue Squad moved to its current location in 1966 and the building has had very few renovations since that time. He said the building needs a major overhaul and the organization has outgrown the facility. Mr. Kreigsman also noted that the organization is hesitant about making a major investment into a facility that it does not own. He asked Commissioners to consider the possibility of either giving or selling the land to Brevard Rescue Squad or renegotiating the lease agreement to ensure they would be compensated for any investment they put into the facility. Mr. Kreigsman feels the organization would be in a better position to qualify for loans if it owned the buildings on the site. He also noted that Brevard Rescue Squad is the only department in the County that does not own its property.

After some questions and comments from Commissioners, **Commissioner Hawkins moved to instruct staff to work with Brevard Rescue Squad to see if there is a way to alter the compensation structure in a mutually agreeable fashion within a time frame of four weeks. The motion was seconded by Chairman Chappell.** Commissioner Hogsed said he is not supportive of the motion because he feels that it is appropriate to give the land to Brevard Rescue Squad for their contributions to the community. He expressed concern that they have not been able to access additional funds because of the lease situation. County Attorney David Neumann noted that other entities in the County that lease property have been able to get loans from banks. He suggested renegotiating the lease in a manner that would be favorable to both parties. After further comments, **the motion passed 4 to 1, with Commissioner Hogsed voting against.**

#### REVISION TO THE COUNCIL ON AGING BYLAWS

The Transylvania County Council on Aging has expressed concern for some time about who can vote on funding issues and what constitutes a quorum. Staff worked with the County Attorney to revise the current bylaws to make them clearer.

**Commissioner Hogsed moved to approve the revised bylaws of the Council on Aging, seconded by Commissioner Bullock and unanimously approved.**

#### REVISION TO TRANSYLVANIA COUNTY ANIMAL CONTROL ORDINANCE

The Manager reported that the responsibility for animal control staff and operations was shifted to him and away from the Board of Health a couple of years ago. Staff has reviewed the current animal control ordinance and proposed changes are forthcoming. The draft ordinance is being reviewed by the County Attorney and School of Government. In the mean time, the Manager

reported that the Board of Health has requested that the Board of Commissioners consider a temporary amendment to Section 3-4 of the ordinance that removes the responsibility of the Board of Health to act as an appellate board for dangerous dog review matters.

Based on the recommendation from the Board of Health, Operations Director David McNeill recommended a new Dangerous Dog Review Appellate Board be established with the following members: Veterinarian: Dr. Boatwright; Sheriff's Office: Kevin Creasman; Brevard Police Department: Mike Sherman.

Commissioner Phillips, who serves on the Board of Health, believes the request is reasonable and should be supported.

**Commissioner Bullock moved to amend Section 3-4 of the Animal Control Ordinance to delete the sentence "The local board of health will serve as the appellate board to hear any appeals" and to approve the following members to the serve as the Dangerous Dog Review Appellate Board: Veterinarian: Dr. Boatwright; Sheriff's Office: Kevin Creasman; Brevard Police Department: Mike Sherman. The motion was seconded by Commissioner Phillips and unanimously approved.**

#### ASHEVILLE REGIONAL HOUSING CONSORTIUM RECERTIFICATION

For a number of years Transylvania County has been an active member of the Asheville Regional Housing Consortium. The County's active participation in the Consortium has benefited a number of Transylvania County residents by providing support to workforce related projects over the past several years. Recently Transylvania and Madison Counties were recipients of a USDA grant to support workforce housing capacity. The Consortium provided the necessary dollar match to make this happen as well as the staff support to help write the USDA grant. Recently the Consortium approved grant funding to support Transylvania County's request to provide down payment assistance to eligible individuals. In addition, the Consortium supported Western Carolina Community Action's request for funds to further study a new housing opportunity in the Rosenwald community. The Manager recommended approving the agreement with Asheville Regional Housing Consortium effective July 1, 2010 through September 30, 2013.

**Commissioner Hogsd moved to approve Resolution 14-10 and the Asheville Regional Housing Consortium Joint Cooperation Agreement, seconded by Commissioner Hawkins and unanimously approved.**

(Resolution 14-10 Authorizing the Chairman of the County of Transylvania to Renew the Joint Cooperation Agreement with the Asheville Regional Housing Consortium is hereby incorporated by reference and made a part of these minutes.)

#### MANAGER'S REPORT

The Manager reported the following:

- A Public Hearing on the proposed Pisgah Forest Community Zoning Ordinance will be held at the next Board of Commissioners' meeting on April 26, 2010
- Staff continues to work on the budget
- Transylvania County was recently awarded the Lela McBride Stewardship Award for its dedication to conservation by the Carolina Mountain Land Conservancy; the County was recognized for its purchase of Connestee Falls and for farmland conservation efforts

## PUBLIC COMMENT

There were no comments from the public.

## COMMISSIONERS' COMMENTS

Commissioner Hogsed asked everyone to remember Genelle Chapman who lost her father over the weekend.

Commissioner Hogsed explained his position on the Board's recent action to change auditors. He did not support the motion because he felt it was a poor time to take jobs out of the firm that is located in Transylvania County and move those to a firm that is located in Hickory. He said he would have been supportive of the motion if the economy was better.

Chairman Chappell congratulated all those individuals that participated in the Transylvania County Special Olympic events.

Chairman Chappell responded to a question that was posed during the recent special meeting on space needs regarding how the architectural firm was chosen. Staff has researched the matter and found that they complied with all policies and that notices to the public were properly advertised.

Chairman Chappell also responded to comments made during the special meeting regarding the County piece milling projects and working on a long term plan for the County as a whole. He said there was a plan completed a few years ago to address the County's space needs issues which the Board has been following.

Chairman Chappell reminded everyone that early voting starts this week and he thanked the Board of Elections and staff for the wonderful job they do.

**Chairman Chappell moved to enter into Closed Session per NCGS 143-318.11 (a) (3) and (5) to consult with an attorney and to instruct staff on a negotiating position for the acquisition of real property, after a five minutes recess, seconded by Commissioner Hogsed and unanimously carried.**

Pursuant to per NCGS 143-318.11 (a) (3) and (5) to consult with an attorney and to instruct staff on a negotiating position for the acquisition of real property, closed session was entered into at 8:05 p.m. Present were Chairman Chappell, Commissioners Bullock, Hawkins, Hogsed and Phillips, County Manager Artie Wilson, County Attorney David Neumann and Clerk to the Board Trisha Hogan.

Commissioners consulted with the County Attorney and instructed staff on how to proceed on a negotiating position for the acquisition of real property.

**Chairman Chappell moved to leave closed session, seconded by Commissioner Phillips and unanimously carried.**

## OPEN SESSION

**Chairman Chappell moved to seal the minutes of the closed session until such time that opening the minutes would not frustrate the purpose of the closed session, seconded by Commissioner Phillips and unanimously approved.**

**ADJOURNMENT**

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

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Jason R. Chappell, Chairman  
Board of County Commissioners

ATTEST:

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Trisha M. Hogan  
Clerk to the Board