

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
June 14, 2010 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, June 14, 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 Curtis Potter, and Clerk to the Board Trisha Hogan.

Media: *Hendersonville Times News*: Leigh Kelley
Transylvania Times – Mark Todd
WSQL Radio – Wanda Lu Paxton

There were approximately 20 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

There were no comments from the public.

AGENDA MODIFICATIONS

The Manager reported on the Agenda modifications. He requested to add Item VIII-C Maintenance of Effort Funds for Mental Health and Item VIII-D Budget Amendments under New Business and move the Manager's Report to Item VIII-E.

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

CONSENT AGENDA

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

The following items were approved:

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for May 2010 and a partial Report for June 2010 were approved.

PRESENTATIONS/RECOGNITIONS

PROCLAMATION 20-10 ARTS AND CULTURE WEEK

Tammy Hopkins, with Transylvania Community Arts Council, gave a presentation on Arts and Culture Week and discussed the events that will occur during the week of June 25 – July 4, 2010.

Commissioner Hogsed moved to approve Proclamation 20-10 Arts and Culture Week June 25 – July 4, 2010, seconded by Commissioner Bullock and unanimously approved.

(Proclamation 20-10 Arts and Culture Week June 25 – July 4, 2010 is hereby incorporated by reference and made a part of these minutes.)

COMMUNITY APPEARANCE INITIATIVE ANNUAL REPORT

Chairman Jim Robards submitted a report to Commissioners outlining the council's accomplishments since May 2008. He feels the council has steadily made progress in meeting its goals and mission since the council first began its work in 2006.

Mr. Robards discussed one project that the council is particularly proud of in which they assisted the Balsam Grove Community Center with the removal of debris from the demolition of their old building that posed potential health hazards such as mold and asbestos. The council was also able to recycle some of the material and keep it out of the landfill. The site is now clear and usable for other community center activities.

Commissioner Hogsed moved to accept the report, seconded by Commissioner Bullock and unanimously approved.

The Manager and Commissioners thanked the council for a project they completed on US 64 West which has made a major improvement in the County.

PLANNING BOARD ANNUAL REPORT

Chairman Mason Sexton submitted the Planning Board's annual report outlining their accomplishments over the last year. The Planning Board worked on a number of projects, most notably the Erosion Control Ordinance and Flood Damage Prevention Ordinance, both of which were implemented by the Board of Commissioners. Some members of the Planning Board, including Commissioner Hogsed, served on the Corridor Study Committee. As a result, the Planning Board spent the bulk of the year drafting the Pisgah Forest Community Zoning Ordinance.

Commissioners thanked the Planning Board for all the work they have completed this year

Commissioner Hogsed moved to accept the Planning Board's annual report, seconded by Commissioner Phillips and unanimously approved.

APPOINTMENTS

LIBRARY BOARD OF TRUSTEES

Commissioner Bullock moved to reappoint Edward Coxe and Ray Miller to additional terms, seconded by Commissioner Hogsed and unanimously approved.

BOARD OF ADJUSTMENT

Commissioner Phillips moved to appoint Kenneth Ayers and Steve Owen (both live in the Pisgah Forest zoned area) to serve as alternate members of the Board of Adjustment. The motion was seconded by Commissioner Bullock and passed by a vote of 4 to 1, with Commissioner Hawkins voting against the motion.

Commissioner Hawkins moved to appoint Larry Wilson to serve as an alternate member of the Board of Adjustment. The motion died for lack of a second.

NEW BUSINESSPISGAH FOREST COMMUNITY ZONING ORDINANCE CONSISTENCY WITH COMPREHENSIVE PLAN

NCGS 153A-341 requires the Planning Board to advise and comment on whether a zoning ordinance is consistent with the County Comprehensive Plan. The Transylvania County Planning Board confirms that the Pisgah Forest Community Zoning Ordinance is consistent with the County Comprehensive Plan for the following reasons:

- The Plan is concerned with the County's overall growth and development. The Zoning Ordinance addresses growth and development issues in the zoned area, particularly along major corridors.
- The Zoning Ordinance provides stream buffers and storm water run off controls thereby helping to fulfill an objective in the Plan of promoting physical development with minimal damage to the environment and minimum impact to residential and sensitive environmental areas.
- The Zoning Ordinance provides controls for driveways on major corridors in accordance with an objective in the Plan that requires access roads to meet minimal standards for traffic volume and safety.
- The Zoning Ordinance will help enable the goal in the Plan of promoting the best use of land while protecting citizens' property rights.

Although this statement does not deal specifically with the enforcement of the Pisgah Forest Community Zoning Ordinance, Commissioner Phillips said he would have preferred that the citizens of Pisgah Forest had input in this process.

Commissioner Bullock moved to accept the Transylvania County Planning Board's reasons and adopt a statement citing that the Pisgah Forest Community Zoning Ordinance is consistent with the County Comprehensive Plan. The motion was seconded by Commissioner Hogsed and unanimously approved.

PERMISSION TO CONDUCT AERIAL FIREWORKS DISPLAYS

NCGS 14-410, 14-413, and the 2010 North Carolina Pyrotechnics Act requires written permission from the boards of commissioners to conduct aerial fireworks displays. Individuals or organizations must request written permission and then apply for a permit through the Office of the State Fire Marshal.

The following organizations have requested permission to apply for fireworks display permits:

1. Camp Illahee; Gordon Strayhorn, Owner/Director; July 4, 2010 (Rain dates: July 3, 2010 or July 5, 2010); Dusk
2. Camp High Rocks; Don Gentle, Associate Director; July 4, 2010; 9:00 p.m.
3. Lake Toxaway Company/Country Club; Chris Wallace; July 4, 2010; 9:30 p.m.

4. Old Bishop Place Farm (Reasonover Road); Jacqueline Rogow; July 4, 2010; Dusk

Per NCGS 14-413, a board of county commissioners may authorize the governing body of any city in the county to issue permits pursuant to the provisions of NCGS 14-413 within the corporate limits of the city via resolution.

Mr. Grose noted that the Office of the State Fire Marshal had advertised the new requirements through public service announcements. The large pyrotechnic display operators are already aware of the new regulations. Mr. Grose contacted the chairman of the local camp association to inform camps in the County of the procedures they should follow.

Commissioner Hogsed moved to approve requests by Camp Illahee, Camp High Rocks, Lake Toxaway Country Club/Company, and Old Bishop Place Farm to submit applications to the Office of the State Fire Marshal to conduct aerial fireworks displays contingent upon each applicant meeting the minimum requirements as outlined in the 2010 North Carolina Pyrotechnics Act. The motion was seconded by Commissioner Hawkins and unanimously approved.

Commissioner Phillips moved to authorize the City of Brevard and the Town of Rosman to issue permits for pyrotechnics displays per NCGS 14-413. The motion was seconded by Commissioner Hawkins. Commissioner Hogsed felt it was best for the County to retain this authority since individuals and organizations must apply for permits through the Transylvania County Fire Marshal's Office. Mr. Grose said he is comfortable with granting the local municipalities this authority. **The motion passed 4 to 1, with Commissioner Hogsed voting against the motion.**

(Resolution 22-10 Authorizing the City of Brevard and Town of Rosman to Issue Permits for Pyrotechnics Displays is hereby incorporated by reference and made a part of these minutes.)

MAINTENANCE OF EFFORT FUNDS FOR MENTAL HEALTH

Each year Transylvania County is required to submit \$99,261 to Western Highlands Local Management Entity (LME) for its Maintenance of Effort (MOE) towards mental health services. These funds are then redirected back to Transylvania County. Last week the Transylvania County Mental Health Stakeholders group met and discussed the allocation of MOE funds as recommended by the LME. Currently Transylvania County has \$207,783 in MOE funds at the LME. The Stakeholders group agreed with the LME's recommendation that \$155,000 in MOE funds should be distributed to Alliance Crisis Services (\$65,000), Meridian Recovery Education Center (\$70,000), Transportation (\$10,000), and the Free Clinic (\$10,000). \$52,783 in MOE funds would be remaining after the allocation of these funds. The Manager noted there is no guarantee of funding next year for these organizations.

Commissioner Hawkins moved to approve the distribution of the MOE funds to the recommended agencies, seconded by Commissioner Phillips and unanimously approved.

BUDGET AMENDMENTS

Finance Director Gay Poor presented the budget amendments for the Board's approval and highlighted the following changes to the budget:

- Two additional autopsy expenses, either already incurred or anticipated by year's end
- Restore funding removed from the budget originally requested by the Board of Elections for the second primary

- Severance pay for a building inspector whose position was eliminated due to the downturn in construction activity

These budget amendments total \$48,647 and will come from contingency. Ms. Poor plans to present more budget amendments at the next meeting, but none that will affect contingency.

Commissioner Phillips moved to approve the budget amendments in the amount of \$48,647 to come from contingency, seconded by Commissioner Hawkins and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- The 75th Anniversary Blue Ridge Parkway Management Team meeting scheduled for Wednesday has been cancelled and will likely be rescheduled for some time in July
- Reminded Commissioners of the Secondary Roads Meeting with the North Carolina Department of Transportation at 2:00 p.m. on Tuesday, June 15, 2010 in the Community Services Building Conference Room
- A Public Hearing has been scheduled for Monday, June 21, 2010 at 7:00 p.m. on the FY 2010-2011 Budget Proposal in the large courtroom of the Courthouse; Manager asked the Board to vote on the Budget at their next regular meeting on June 28, 2010
- Representative Guice has invited Commissioners to Raleigh to be present when he presents the resolution recognizing Transylvania County's 150th Anniversary; Manager asked Commissioners to inform him of dates they may be available to travel to Raleigh
- Representative Guice informed the Manager there would be discussion in the Senate Environment and Natural Resources Committee on Tuesday morning regarding Senate Bill 1259 which involves Boylston Creek; Representative Guice will continue to inform the Manager of the Bill's progress in the coming days

PUBLIC COMMENT

Mason Sexton: Mr. Sexton announced the youth league baseball and softball schedules and thanked the Board of Commissioners for their continued support of the Transylvania Little League.

COMMISSIONERS' COMMENTS

Commissioner Bullock said the Board continues to receive petitions from the public urging the Board to move forward with the construction of a new animal shelter. He expressed a desire to move forward in the very near future.

ADJOURNMENT

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

ATTEST:

Jason R. Chappell, Chairman
Board of Commissioners

Trisha M. Hogan
Clerk to the Board