

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
June 28, 2010 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, June 28, 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 25 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

Sandy Goble: Ms. Goble spoke in favor of a new animal shelter. She is shocked about the conditions of the current shelter saying it is not a healthy, attractive atmosphere to adopt animals nor is it a good environment for people to work. Ms. Goble said because of those conditions, many animals never get the chance to become family pets. She urged the Board to move forward with building a new animal shelter.

Dick Ream: Mr. Ream spoke about the Special Olympics and recreational needs for persons with disabilities. He urged the County to make sure it is receiving its fair share of State and federal funding that will allow the County to offer recreational activities for persons with disabilities. Mr. Ream announced that his son Michael has been selected to compete in the National Special Olympics Games and would appreciate any donations.

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 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 May 24, 2010 regular meeting, the June 14, 2010 regular meeting, the June 15, 2010 Secondary Roads meeting with the NC Department of Transportation, and the June 21, 2010 Public Hearing on the FY 2010-2011 Budget were approved.

PRESENTATIONS/RECOGNITIONS

RESOLUTION 24-10 IN RECOGNITION OF CARSON GRIFFIN

Commissioners recognized and thanked Carson Griffin for her work serving as the Chair of the Transylvania County Complete Count Committee for the 2010 Census and presented her with a resolution.

Commissioner Bullock moved to approve Resolution 24-10 In Recognition of Carson Griffin, seconded by Commissioner Phillips and unanimously approved.

(Resolution 24-10 In Recognition of Carson Griffin is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION 26-10 IN RECOGNITION OF TRANSYLVANIA COUNTY VETERANS SERVICE OFFICER FRANK PEARSALL

During a Public Comment period of a recent Board of Commissioners' meeting, Larry Chapman asked Commissioners to recognize Mr. Pearsall for being such an asset to veterans in Transylvania County. Commissioners recognized Mr. Pearsall and presented him with a resolution.

Commissioner Hogsed moved to approve Resolution 26-10 In Recognition of Transylvania County Veterans Service Officer Frank Pearsall, seconded by Commissioner Bullock and unanimously approved.

(Resolution 26-10 In Recognition of Transylvania County Veterans Service Officer Frank Pearsall is hereby incorporated by reference and made a part of these minutes.)

APPOINTMENTS

PLANNING BOARD

Commissioner Hawkins moved to appoint Larry Wilson (to replace Joey Galloway). The motion died for lack of a second.

Commissioner Phillips moved to appoint Mark Parker (to replace Joey Galloway), seconded by Commissioner Hogsed. The motion passed by a vote of 4 to 1, with Commissioner Hawkins voting against.

TRANSYLVANIA COUNTY COUNCIL ON AGING

Commissioner Bullock moved to waive the term limits and reappoint Kathe Harris and Louise Koontz per the recommendation of the Transylvania County Council on Aging, seconded by Commissioner Phillips and unanimously approved.

Commissioner Hogsed moved to reappoint Linda Dodds and Delores Stroup, seconded by Commissioner Phillips and unanimously approved.

Commissioner Hogsed moved to reappoint Louise Koontz as Chair for 2010-2011, seconded by Commissioner Bullock and unanimously approved.

AREA COUNCIL ON AGING

Commissioner Hawkins moved to reappoint Emily Stewart to a full term and waive the term limits and reappoint Louise Koontz to another term, seconded by Commissioner Bullock and unanimously approved.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Hogsed moved to reappoint Mike West, Doug Mundy, Eddie Lance, Rick Pangle, Steve Smith, Jerry Stone, and Betsy Langston to additional terms, replace Marty Burns with his designee Aaron Thompson, and replace Sheriff Mahoney with this designee Greg Stroup, seconded by Commissioner Phillips and unanimously approved.

SOCIAL SERVICES BOARD

Commissioner Bullock moved to appoint Kathy Beddingfield to the position vacated by Hale Siniard, Jr., seconded by Commissioner Hawkins and unanimously approved.

VOTING DELEGATE FOR THE NC ASSOCIATION OF COUNTY COMMISSIONERS (NCACC) ANNUAL CONFERENCE

The NCACC Conference is scheduled for August 26-29, 2010 in Pitt County. Each County has been asked to select a Voting Delegate to cast his/her County's vote during the business session.

Chairman Chappell moved to appoint Commissioner Bullock to serve as the County's Voting Delegate and attend the NCACC Conference on August 26-29, seconded by Commissioner Phillips and unanimously approved.

APPOINTMENT OF CITY STAFF TO SERVE AS REVIEW OFFICER FOR THE CITY OF BREVARD

The City of Brevard requests to add Shana Fisher Huggins as a Review Officer for Transylvania County, her jurisdiction being the City of Brevard land development jurisdiction.

Commissioner Hawkins moved to approve Resolution 27-10 Recommending the Appointment of City Staff to Serve as the Review Officer for the City of Brevard, seconded by Commissioner Phillips and unanimously approved.

(Resolution 27-10 Recommending the Appointment of City Staff to Serve as the Review Officer for the City of Brevard is hereby incorporated by reference and made a part of these minutes.)

OLD BUSINESS

RESOLUTION 23-10 SECONDARY ROAD IMPROVEMENTS FOR FY 2010-2011

On June 15, 2010 Commissioners met with NC Department of Transportation (NCDOT) officials to discuss the Secondary Road Improvement Program for FY 2010-2011. During the public comment portion of the meeting, a citizen, George Lee, announced he was the one hold up for giving up right-of-way for the paving project on Shelton Road. Property owners have begun condemnation proceedings on a portion of Mr. Lee's property. Mr. Lee cited numerous concerns and felt his concerns were not being addressed by officials. At the conclusion of the meeting, Division 14 Engineer Brian Burch agreed to meet with Mr. Lee to help resolve these issues and contact the Manager regarding the outcome of their meeting. On June 22, 2010, Mr. Lee met with Lori Jones and Brian Burch with the NCDOT and his issues were resolved. Mr. Lee has

agreed to sign over right-of-way to the NCDOT. Commissioners are required to adopt a resolution accepting the Program for the ensuing year no later than June 30, 2010.

Commissioner Bullock moved to approve Resolution 23-10 Secondary Road Improvements for FY 2010-2011, seconded by Commissioner Hogsed and unanimously approved.

(Resolution 23-10 Secondary Road Improvements for FY 2010-2011 is hereby incorporated by reference and made a part of these minutes.)

NEW BUSINESS

TRANSYLVANIA COUNTY BUDGET ORDINANCE FOR FY 2010-2011

The Board of Commissioners spent nine evenings reviewing the Manager's proposed budget. They made several changes and developed a proposed budget for FY 2011 and held a Public Hearing on the proposed budget on June 21, 2010. The proposed General Fund Budget for FY 2011 totals \$39,956,091. The total FY 2011 Budget, including other funds, is \$44,996,918.

The Manager noted the Budget Ordinance includes changes that were made after the Public Hearing in regards to Child Development which involved reinstating the hours for eight teacher aid positions. The Manager also noted a typo on page 10 of the Budget Ordinance that staff has since corrected. The Manager further noted that Section 36 has been changed to allow the Manager to transfer amounts between departments and modify the budget for pass-through monies, additional funding, or any federal and State programs previously approved by the Board, without a report being required. This will allow staff to make necessary adjustments between meetings and is the same as authorized in Henderson County.

To balance the FY 2011 Budget, \$500,000 was transferred from the Public Safety Facility Construction Fund to the General Fund and \$1,434,821 was utilized from the Undesignated Fund Balance.

Commissioner Hogsed said he remains concerned about the changes made regarding the fee increases and reduction in staff at the New Adventure Center. He hopes staff will continue to work with New Adventure throughout the year to address ways of reducing the County's subsidy without reducing the level of service. Therefore, **Commissioner Hogsed moved to remove the cuts and fee increases from the Budget and to take the difference from Fund Balance.** Commissioner Hawkins said he believes the fee structure is high but that it is in line with the services people are getting in relation to other centers in Transylvania County and surrounding counties. **The motion died for lack of a second.**

Commissioner Phillips moved to approve the Transylvania County Budget Ordinance for FY 2010-2011. The motion was seconded by Commissioner Bullock. Commissioner Hawkins commended staff for their work during a difficult budget process and for helping Commissioners understand all the issues. He expressed concern that the budget does not deal with long term issues. Chairman Chappell thanked Commissioners and staff for their work during the budget process. He also expressed concern about the budget and how it addresses future needs for the County and education. Commissioner Bullock said he expects next year's budget process to be more difficult and hopes to start discussions with the Board of Education in the near future to talk about their future needs. **The motion passed by a vote of 3 to 2, with Commissioners Hawkins and Hogsed voting against.**

BUDGET AMENDMENTS

Finance Director Gay Poor presented the budget amendments for FY 2010 and highlighted the following:

During the last quarter of FY 2009-2010, the General Fund budget grew by \$1,003,740, bringing the total amended budget to \$41,832,912. The majority of the increase was due to grants and additional State and federal funding in the amount of \$617,000. The biggest part of that was \$326,000 for a PARTF grant for the Connestee Falls Park project. Human Services programs received \$126,000 more in federal funding, led by an increase of \$99,000 for Crisis Intervention needs. Another \$108,000 came from the Division of Water Resources for stream bank stabilization projects managed by the Soil and Water Conservation Office.

Other miscellaneous amendments added \$255,000 to the General Fund budget. The largest of these was for \$138,000 in NC Education Lottery proceeds which passed through the County to the school system. Register of Deeds remittances to the State were increased by \$43,000 to reflect new fees collected for Cultural Resources Archives and the State General Fund and an improvement in projected revenues based on recent activity. Proceeds from insurance claims accounted for another \$41,000, including the final settlement of \$34,000 for snow damage at the Library.

Transfers from fund balance caused the budget to go up by \$77,000. Of this total, \$23,000 went toward the incentive grant to Excelsior Packaging and was offset by property taxes paid by Excelsior. \$22,000 was withdrawn from the Accrued Vacation Reserve for vacations that were cashed or paid out in lieu of leave taken or paid out to terminated employees.

Lastly, \$54,000 was added to the budget for donations, with \$52,000 coming from the Carolina Mountain Land Conservancy for the Connestee Falls Park project.

Commissioner Bullock moved to approve the Budget Amendments, seconded by Commissioner Phillips and unanimously approved.

PROPOSED ZONING FEE SCHEDULE

The Board of Commissioners recently approved the Pisgah Forest Community Zoning Ordinance which will become effective August 1, 2010. Planning staff has developed a proposed zoning fee schedule based on the amount of time staff expects to spend processing the various permits. Staff also compared fee schedules from surrounding counties. Staff estimates the proposed fee schedule will generate approximately \$2,200 during FY 2011. The fee schedule is proposed as follows (for non-residential only):

Application/Service	Fee
Zoning Permit	\$100
Zoning Certificate of Compliance	\$100
Variance Application	\$200
Appeal from Zoning Decision	\$200
Text Amendment Application	\$200
Special Use/PUD Permit	\$500
Vested Rights Application	\$500
Rezoning Application	\$500

Commissioner Phillips asked if the members of the Pisgah Forest Corridor Committee had received notification of the fee schedule. He insisted that staff include members of the Pisgah Forest community in any matter related to the Pisgah Forest Community Zoning Ordinance since this is the only area of the County that is zoned. Commissioner Phillips suggested tabling the item until the next meeting and asked staff to contact the members of the community. Mr. Thomas informed the Board that the members of the community had not been notified.

Commissioner Phillips moved to table the item to the next meeting and asked staff to send a memo to the members of the Pisgah Forest community (Pisgah Forest Corridor Committee, Pisgah Forest Committee Against the ETJ, etc.) so they can be part of the discussion since the fee schedule directly affects them. Commissioner Hogsed seconded the motion.

Chairman Chappell asked for more information at the next meeting about the amount of staff hours it would take to complete these tasks, etc. After further comments, **the motion was unanimously approved.**

PERMISSION TO CONDUCT AERIAL FIREWORKS DISPLAYS

At the June 14, 2010 meeting, the Board of Commissioners granted permission to four local organizations to move forward with the application/permitting process to conduct aerial fireworks displays contingent upon each applicant meeting the minimum requirements as outlined in the 2010 North Carolina Pyrotechnics Act. Commissioners also granted the City of Brevard and the Town of Rosman the authority to approve displays within their corporate limits. The Heart of Brevard has submitted their request to hold their annual fireworks show; however the City of Brevard does not have any more regularly scheduled meetings in the month of June. City Manager Joe Moore contacted the County Manager and asked that the Board of Commissioners approve the request by the Heart of Brevard as follows:

Heart of Brevard
 Contact: Madrid Zimmerman
 Date: July 3, 2010
 Time: 9:30 p.m.
 Location: Brevard College

Also, the Manager asked the County Attorney to determine from the NC General Statutes whether or not the act of approving aerial fireworks displays could be granted to the Board's designee, such as the Fire Marshal or the Manager. NC General Statutes do not allow this decision to be delegated to a designee, therefore it is the recommendation of the County Attorney not do to so. The Board of Commissioners will have to approve all requests from now on, except those within the City of Brevard and the Town of Rosman.

Commissioner Bullock moved to approve the request by the Heart of Brevard to submit an application to the Office of the State Fire Marshal to conduct an aerial fireworks display on July 3, 2010 contingent upon the Heart of Brevard meeting the minimum requirements as outlined in the 2010 North Carolina Pyrotechnics Act, seconded by Commissioner Hogsed and unanimously approved.

PROJECT BUDGET ORDINANCE FOR CDBG NO. 09-E-2041

The Board of Commissioners recently approved an application for a Building Reuse Grant for GAIA Herbs in the amount of \$100,000. The County was awarded the grant and this project budget ordinance recognizes related expenditures that may be incurred over multiple years to complete the project. There is no financial impact to the County.

Commissioner Hogsed moved to approve the Project Budget Ordinance for the CDBG Economic Development Building Reuse Grant Project, seconded by Commissioner Phillips and unanimously approved.

MANAGER'S REPORT

The Manager reported that the County has been experiencing some interference on the Fire Rich frequency and he asked Operations Director David McNeill and Communications Director Kevin Shook to update the Board on the status of this issue.

Mr. McNeill stated that Fire Rich is the primary frequency for Brevard, North Transylvania, Little River, and Connestee, and Rosman is dual-dispatched from Fire Rich and another frequency. At the January Chiefs meeting, several chiefs expressed concern over losing radio coverage and not being able to communicate with OCD. He and Mr. Shook began investigating the issue by inspecting equipment and changing hardware on the tower. The problem has since been identified as interference coming from an outside source. There are three different groups trying to locate the source. Staff is also exploring methods of bypassing the interference by installing a separate receive antenna from the output antenna which staff will be testing on Tuesday. Another option for staff is to change frequencies which will be a large endeavor because all radios and equipment would have to be reprogrammed.

Commissioner Bullock inquired about who is responsible for eliminating the interference if it is detected. Mr. McNeill said if the interference is outside the 70 mile radius, no one is obligated to fix the problem; however in his experience most people have been cooperative and willing to help. In response to further questions from Commissioner Bullock, Mr. McNeill said the interference began some time after the new equipment was installed. Initially staff thought there may have been some issues during the transition to the new equipment, but later determined that was not the case. Mr. Shook reported the general direction of the interference is known; however there is no guarantee of finding it because of the way radio waves bounce.

Commissioner Hawkins asked staff if a deadline had been set for determining whether or not to change frequencies. Mr. McNeill responded that staff is moving forward and plans to test the bypass method on Tuesday. If that does not work, staff will begin the process for applying a new frequency. In the mean time, if departments experience more interference, one option they have is to switch to the EMS Rich frequency because there have been no issues with that frequency and it has been working properly.

Chairman Chappell inquired about the percentage of the County's equipment that would not work if the frequency were changed. Mr. McNeill said staff only plans to change out the receive side and all the equipment is compatible. Staff still has to go through the process of reprogramming all the equipment.

At the request of the Board, staff will send the Manager regular reports on this matter.

The Manager thanked Mr. McNeill and Mr. Shook for the work they have done to resolve this issue. He asked Commissioners to report any complaints or concerns to him so staff can continue to address these problems.

PUBLIC COMMENT

Dick Ream: Mr. Ream thanked Commissioners for their willingness to meet with the City of Brevard and the Board of Education to determine their future needs.

COMMISSIONERS' COMMENTS

Commissioner Hogsd assured Ms. Goble the Board is moving forward with the animal shelter project. He thanked Mr. Ream for his comments, Mr. McNeill and Mr. Shook for their work in trying to resolve the communications matter, and employees for their hard work and patience during the recent budget sessions.

Commissioner Hawkins stressed the importance of the Board being proactive in their planning over the course of the year.

In response to comments by Commissioner Hawkins, Commissioners discussed their reasons for their nominations to the Planning Board. Commissioner Hawkins asked the Board to give serious consideration to other applicants in the future.

Commissioner Bullock also responded to Ms. Goble about the animal shelter and assured her the Board is nearing a decision and finalizing negotiations.

Commissioner Phillips thanked the Board for tabling the proposed fee schedule for the Pisgah Forest Community Zoning Ordinance because he believes the citizens of Pisgah Forest need to be informed of every issue that deals with the Ordinance.

Chairman Chappell thanked Board of Elections staff and volunteers/precinct workers for their work during the second primary. He also wished everyone a Happy Independence Day and asked everyone to remember the true meaning of why it is celebrated.

ADJOURNMENT

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

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board