

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
March 28, 2011 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, March 28, 2011 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

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

Media: *The Transylvania Times* – Mark Todd

There were approximately 20 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:03 p.m.

WELCOME

Chairman Hawkins welcomed everyone to the meeting and thanked the members of the audience for participating in their County government. Chairman Hawkins introduced the members of the Board of Commissioners and staff.

PUBLIC COMMENT

Don Surette: Mr. Surette said there are some people who are willing to pay additional property taxes to the County and he encouraged the County to set up an account to accommodate those individuals. He pointed out he is not one of the individuals who wishes to pay additional taxes.

Gerry Hunsicker: Mr. Hunsicker reported that the bill to stop the reclassification of Boylston Creek has passed the NC Legislature but it still has to go before the Governor for her signature. He thanked the Commissioners for their continued support. Mr. Hunsicker also offered his assistance to draft a resolution that would encompass all streams and waterways in Transylvania County from being reclassified.

AGENDA MODIFICATIONS

The Manager reported on the Agenda modifications. He requested to add Item IV-C Unsealing of Closed Session Minutes under the Consent Agenda. He also requested to remove Item VII-A Request from Brevard Rescue under Old Business.

Commissioner Phillips moved to approve the Agenda as modified, seconded by Commissioner Chapman and unanimously approved. (4-0, Commissioner Hogsed absent)

CONSENT AGENDA

Commissioner Chapman moved to approve the Consent Agenda, seconded by Commissioner Phillips and unanimously approved. (4-0, Commissioner Hogsed absent)

The following items were approved:

FACILITIES USE REQUESTS

The use of the Courthouse gazebo for a National Day of Prayer service on May 5, 2011 from 11:00 a.m. to 2:00 p.m. was approved.

The use of the Courthouse gazebo by The Rotary Club of Pisgah Forest for a food drive for the Sharing House on June 18, 2011 from 7:00 a.m. to 5:00 p.m. was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for February 2011 was approved.

UNSEALING OF CLOSED SESSION MINUTES

The Board approved unsealing the following closed session minutes:

1. Two sets of minutes relating to an investigation of alleged criminal misconduct (6/28/2004; 5/23/2005) – This investigation has been ongoing and has not been resolved.
2. Two sets of minutes relating to lawsuit Renee Crocker, Renee Roof, Julie Sprouse, and Joy Waldrop versus Carson Griffin, Transylvania County Social Services, and Transylvania County (3/9/2009; 4/13/2009) – This portion of the lawsuit has now been resolved.
3. Eight sets of minutes relating to negotiating the price or terms for the acquisition of real property relating to the animal shelter (1/11/2010; 2/8/2010; 3/8/2010; 4/12/2010; 7/12/2010; 8/9/2010; 8/23/2010; 9/27/2010) – The Board of Commissioners decided to construct the animal shelter on its own property.
4. Five sets of minutes relating to instructing staff or negotiating agents concerning the position to be taken on the potential acquisition of the Peter Vitalie Building for public education purposes (8/23/2010; 10/18/2010; 11/22/2010; 12/9/2010; 12/13/2010) – The real property was sold to another bidder in January 2011. The Board of Education is moving forward with other alternatives.
5. Minutes relating to instructing staff or negotiating agents concerning the position to be taken on the potential acquisition of real property (9/27/2010) – The seller is moving forward with other alternatives.
6. Two sets of minutes relating to the conditions of initial employment for a new Elections Director (1/13/2011; 1/24/2011) – The Board of Elections hired a new Elections Director in February 2011.

Several minutes remain sealed because the nature of those discussions or issues is still ongoing.

Commissioners also authorized staff to change the policy to reflect that sealed closed session minutes should be reviewed on a monthly basis. Currently sealed closed session minutes are reviewed semi-annually.

PRESENTATIONS/RECOGNITIONSPROCLAMATION NATIONAL PUBLIC SAFETY TELE-COMMUNICATORS WEEK APRIL 10-16, 2011

April 10-16 is permanently recognized as National Public Safety Tele-communicators Week honoring the thousands of men and women who respond to emergency calls, dispatch professionals and equipment, and render lifesaving assistance to the citizens of the United States. Commissioners expressed their appreciation to the Transylvania County Communications Center's Tele-communicators for the vital services they provide to the citizens of Transylvania County and their fellow emergency services comrades.

Communications Director Kevin Shook commended his staff for being one of the best teams in Western North Carolina. He noted that Transylvania County was one of the first counties to require tele-communicators to obtain certification.

Emergency Services Director David McNeill said this year has been a year of change. The 911 office moved to a new facility and learned to work with new software and equipment and also started a new more involved role with law enforcement. He commended staff for doing such a great job during the transition and for handling a larger volume of calls.

Commissioner Chappell moved to approve Proclamation 08-11 National Public Safety Tele-communicators Week April 10-16, 2011, seconded by Commissioner Phillips and unanimously approved. (4-0, Commissioner Hogsed absent)

(Proclamation 08-11 National Public Safety Tele-communicators Week April 10-16, 2011 is hereby incorporated by reference and made a part of these minutes.)

APPOINTMENTS

ABANDONED CEMETERIES BOARD

Betty Reed recently resigned from the Abandoned Cemeteries Board. There are two applications on file.

Drew Suddeth, a student at Rosman High School, has submitted a request to become a Youth Associate to the Abandoned Cemeteries Board. This is a temporary position, renewable at the discretion of both boards. This position would be for a youth who is interested in learning about cemeteries and how to keep track of them thereby preserving the County's heritage. Drew has assisted his mother, Rebecca Suddeth, in cemetery surveys and clean-ups for a number of years. The Abandoned Cemeteries Board feels Drew would be an asset to the board at this time and anticipates he will one day become a full time board member.

Commissioner Chappell nominated and moved to appoint Yvonne McCall Dickson to replace Betty Reed, seconded by Commissioner Chapman and unanimously approved. (4-0, Commissioner Hogsed absent)

Commissioner Chappell moved to appoint Drew Suddeth as a Youth Associate for a period of one year, renewable at the discretion of both boards. The motion was seconded by Commissioner Phillips and unanimously approved. (4-0, Commissioner Hogsed absent)

NEW BUSINESS

APPLICATION FOR CRIMINAL JUSTICE PARTNERSHIP PROGRAM (CJPP)

Each year the County submits a grant application for funding of the Criminal Justice Partnership Program (CJPP). The CJPP Board has reviewed the grant application and requested permission to submit the grant application to the State. There are no County dollars associated with this grant. The grant application request is for \$56,395. The majority of the monies will serve up to 45 sentenced offenders and help provide services for them including substance abuse/mental health treatment, employment services, transportation, and domestic violence counseling.

Commissioner Chappell moved to approve the grant application for the Criminal Justice Partnership Program. The motion was seconded by Commissioner Chapman. Commissioner Chappell thanked Judith West for facilitating this program in the County. The motion was unanimously approved. (4-0, Commissioner Hogsed absent)

REQUEST TO FILL VACANCY IN ADULT SERVICES – DEPARTMENT OF SOCIAL SERVICES

The Board of Commissioners enacted a temporary hiring freeze on January 13, 2011. The resolution includes a provision that allows for hiring if exigent circumstances exist or if approved by the Board of Commissioners. The Department of Social Services has a vacant Social Worker II position in Adult Services. Currently there are three positions in Adult Services which handle a number of mandated and essential services for the adult population.

Mandated services include:

- Adult Protective Services (NCGS 108A, 143B-153)
- Guardianship (NCGS 143B-153, 35A)
- SA In-Home Case Management (NCGS 108A-25, 40, 41-45)
- Adult Care Home Monitoring & Family Care Home Monitoring (NCGS 143B-153(e))
- Adult Day Care Certification and Adult Day Monitoring (NCGS 143B-153).

In addition this section is responsible for payee services for Social Security recipients and general intake for all functions of adult services. Based on the current caseload the Department of Health and Human Services recommends staffing at 3.32 positions. Social Services Director Stoney Blevins requested that the Board of Commissioners authorize filling this position.

Mr. Blevins pointed out that one of the biggest difficulties in having only two employees in this area is that the services must be provided on a 24/7 basis; therefore these two employees are on an on-call rotation status. He emphasized the criticalness of the position and said he does not believe it can be filled on a temporary status. He knows of no one that could fill the role temporarily and said the position requires extensive training.

The Manager noted there would be no additional financial impact to the County by filling the position.

Commissioner Chappell moved to authorize the hiring of a Social Worker II for the Adult Services Unit, seconded by Commissioner Phillips and unanimously approved. (4-0, Commissioner Hogsed absent)

DISCUSS REQUEST FROM ROSMAN TOWN ALDERMEN REGARDING ANNEXATION

The Town of Rosman has requested that the Board of Commissioners support the Town's efforts to annex an approximate two-mile section of US 64 in order to facilitate the satellite annexation of Glen Laurel Land Development and other businesses in the Cathey's Creek area. The Town believes presence on new US 64 would allow the Town to grow and help overcome the negative economic impact of the US 64 Bypass. The Manager offered the following for Commissioners to consider:

- In a letter to the Town last October, Commissioners asked for clarification on three legal questions regarding the proposed annexation. To this date those questions have not been answered. It is possible that the annexation as proposed would be disallowed due to conflict with North Carolina General Statutes.
- There may also be a concern about the potential use of Extra Territorial Jurisdiction (ETJ) in the future. A one-mile radius from the annexed area would encompass a large segment along US 64 West. The Town of Rosman currently does not have an ETJ.
- The issue of annexation and ETJ is currently a hot topic issue in the North Carolina Legislature and the Manager thought it may be worth everyone's time and effort to see the outcome.

The Manager reviewed a map indicating the potential annexed areas. He is unsure of the Town's intentions because in his conversations with Town officials a few different proposals have been mentioned ranging from 2.2 miles to 4.6 miles. The Manager also pointed out that annexation laws include requirements related to contiguity and he does not know if the Town's request meets the

requirements. He noted that any future annexation would adversely impact the County's portion of sales tax under the current distribution formula.

Rosman Alderman Roger Petit explained the Town's request further and noted the intent is to annex the rights-of-way along US 64 to the Cathey's Creek Bridge with any future annexation of homes or businesses to be voluntary. He said the Town initially began discussing the issue of annexation years ago during the draught situation with the thought being to serve as a backup to the City of Brevard's utilities and vice versa which would solve any potential water crisis situation in the future. Mr. Petit asked for the Board's support by way of resolution and noted that if the proposed annexation area is too large an area for the Board to consider to please express that openly to the Town.

Commissioners expressed concern about supporting the Town's request if the request does not comply with NC General Statutes and preferred to have an official request from the Town of Rosman outlining their specific request and providing answers to the County's legal concerns. Commissioners also stressed the importance of informing citizens that may be affected by the Town's intentions either now or in the future.

Chairman Hawkins made a motion that staff send a formal letter to the Town of Rosman respectfully asking that they submit their request for annexation in writing to the Board of Commissioners and in their request answer the legal questions posed by the County. The motion was seconded by Commissioner Chappell. Commissioner Chappell clarified that the legal questions are included in the letter to the Town of Rosman dated November 3, 2010. **The motion was unanimously approved. (4-0, Commissioner Hogsed absent)**

MANAGER'S REPORT

The Manager reported the following:

- Reminded Commissioners of the joint meeting on March 29, 2011 with the Board of Education at 7:00 p.m. in the Brevard High School Auditorium
- Inquired about a date for the ribbon cutting ceremony at Connestee Falls and asked for the Commissioners' preference for either Friday, April 25, 2011 or a later date on a Saturday in the near future; asked Commissioners to contact him by the end of the week
- Reminded Commissioners to submit any questions or concerns about information presented during the Planning Workshop as soon as possible; next Planning Workshop is scheduled for April 11, 2011 at 6:15 p.m. in the Rogow Room at the Transylvania County Library

PUBLIC COMMENT

Judy Mathews: Ms. Mathews reminded Commissioners that the new Elections Director Karin Brinson will be sworn in on Thursday at 2:00 p.m. and she invited Commissioners to attend.

COMMISSIONERS' COMMENTS

Commissioner Chapman recognized Judy Mathews and thanked her for her service to the County for so many years as the Elections Director and in other roles.

Commissioner Phillips requested to add appointments to the Economic Development Advisory Board to the next agenda. He noted there is a vacancy due to the fact that the person could not attend the meetings because of the meeting schedule. He inquired as to whether the meeting time could be changed or rotated to accommodate and include others.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board