

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
June 13, 2011 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, June 13, 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, 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: *The Transylvania Times* – Mark Todd

There were approximately 30 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 HEARING

FY 2012 BUDGET

Chairman Hawkins declared the public hearing open at 7:05 p.m. The Manager presented the required information for the Public Hearing on the FY 2012 Proposed Budget as follows:

General Fund	\$39,443,666
Law Officer's Separation Fund	\$ 120,873
Retiree Health Fund	\$ 186,824
457 Contribution Fund	\$ 361,500
Occupancy Tax	\$ 343,500
Self-Insurance	\$ 3,145,297
Fire Districts	\$ 2,186,744
Solid Waste	\$ 1,789,722
School Renovations (QZABs)	\$ 1,200
Emergency Telephone System	\$ 345,878
Silvermont	\$ 30,000
Agency Fund	\$ 156,000
Total Other Funds	\$ 8,667,538
Less Inter-Fund Transfers	\$ 3,591,520
Total All	\$44,519,684

Inter-Fund Transfers

Law Retirement Fund	\$ 120,873
Solid Waste Fund	\$ 428,272
Retiree Health Fund	\$ 171,095
457 Contribution Fund	\$ 361,500
Self-Insurance	\$ 2,630,653
Total Inter-Fund Transfers	\$ 3,591,520

Transylvania County Fire Service District

	<u>Tax/\$100</u>	
Brevard	\$0.0269	
Rosman	\$0.0649	(increase from \$0.0626)
Little River	\$0.0577	
Connestee Falls	\$0.0512	(increase from \$0.0494)
Cedar Mountain	\$0.0756	
Lake Toxaway	\$0.0287	
Balsam Grove	\$0.0968	
North Transylvania	\$0.0911	

In March, when the budget planning process began, the County was facing a potential deficit of \$923,389. Staff continued to work on developing a budget proposal and was able to make further reductions totaling \$690,371, which reduced the deficit to \$233,018. The original budget request from the Board of Education included an overall increase of \$680,798. Their request, including the capital outlay, increased the deficit to \$913,816. However, the Board of Education revised their budget proposal and reduced their request by \$471,465, thereby reducing the deficit to \$442,351. At that time, Commissioners proposed to take \$225,000 from Fund Balance and instructed department heads to make additional reductions in the amount of \$217,351. As a result of these changes, the proposed General Fund Budget equals \$39,746,381 and an accounting change of \$302,715 reduced expenditures to \$39,443,666.

Home and Community Care Block Grant for Older Adults

These are pass-through funds. The County receives the monies from the State and disburses the funds to the various agencies. The following is the recommendation from the Council on Aging:

Congregate Meal Program	\$ 79,589
Home Delivered Meals	\$ 10,437
Level I In-home Aid	\$ 22,500
Level II In-home Aid	\$ 76,675
General Transportation	\$ 12,722
Medical Drive	\$ 3,079
Adult Daycare	\$ 24,254
Adult Day Health	\$ 39,000
Senior Companion	\$ 15,359
Legal Services	\$ 2,546
Total	\$ 286,164

Commissioner Chapman inquired about the County's options if the Governor should decide to allocate additional funds to education. The Manager suggested a meeting with members of the Board of Education if changes from Raleigh occur to discuss the impact to the budget. Any changes would not require another public hearing and Commissioners have until June 30 to approve the budget.

Meredith Licht: Ms. Licht addressed the Board as a mother, teacher, and citizen. She understands the Board has very difficult decisions to make and she thanked them for their dedication and commitment to the budget process. Ms. Licht spoke about the importance of continuing support of the schools because education is important to the community and economic development. For next year, Ms. Licht requested Commissioners continue to look at government as an investment because it is worth it in the long run because it improves the quality of citizens' lives and the government can provide services to those who can not do for themselves.

There were no further comments from the public. **Chairman Hawkins declared the public hearing closed at 7:20 p.m.**

PUBLIC COMMENT

There were no comments from the public.

AGENDA MODIFICATIONS

There were no agenda modifications.

Commissioner Chapman moved to approve the agenda, seconded by Commissioner Phillips and unanimously approved.

CONSENT AGENDA

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

FACILITIES USE REQUESTS

The use of the Courthouse gazebo by WSQL Radio on Saturdays beginning June 11 through August 13 from 7:00 p.m. to 9:00 p.m. was approved.

The use of Silvermont by Brooke Jacoby on July 31 from 11:00 a.m. to 6:00 p.m. for a charitable fundraising tea party for overseas adoptions was approved. Fees will apply for the use of the facility.

PRESENTATIONS/RECOGNITIONS

PROCLAMATION-ARTS AND CULTURE WEEK: JUNE 24 – JULY 4, 2011

For the past three years the Transylvania Arts Promotion has requested that both the City of Brevard and Transylvania County proclaim the last week in June leading up to July 4th as Arts and Culture Week. The Transylvania Arts Promotion will host a series of events and activities for the entire week.

Transylvania Arts Council Director Tammy Hopkins provided Commissioners with a list of events and activities going on during the week. As of right now, there are 59 events scheduled for one week beginning with the opening of the Music Center and ends with the Fourth of July Fireworks show. These events will occur all over the County.

Commissioner Hogsed moved to approve Proclamation 17-11 Arts and Culture Week: June 24 – July 4, 2011. The motion was seconded by Commissioner Phillips. Ms. Hopkins commented about the exhibit currently on display at the Transylvania Arts Council entitled "Transylvania County – Past to the Present". Different artists around the County were assigned historic images and they were to replicate the image in their particular medium and in their particular image. Many artists participated and the response from the public has been well received. **The motion was unanimously approved.**

(Proclamation 17-11 Arts and Culture Week: June 24 – July 4, 2011 is hereby incorporated by reference and made a part of these minutes.)

APPOINTMENTS

TRANSYLVANIA COMMUNITY ARTS COUNCIL BOARD OF DIRECTORS

Planning and Economic Development Director Mark Burrows has requested to resign as the County's representative to the Transylvania Community Arts Council. Since losing the County Planner to retirement, he and others have had to fill those duties thus taking away from economic development activities. The Arts Council Board of Directors meets the second Wednesday of each month from 12:00 noon to 1:00 p.m. Commissioner Chapman suggested delaying this item until the next meeting to give Commissioners an opportunity to interview potential candidates.

Commissioner Hogsed moved to table this item until the next meeting, seconded by Commissioner Chappell and unanimously approved.

WORKFORCE DEVELOPMENT BOARD

Bill Ragland's term expired at the end of May. The Board has waived his term limits a couple of times and reappointed him to serve at the Board's request. There is one current application on file.

Commissioner Phillips moved to waive the term limits and reappoint Bill Ragland, seconded by Commissioner Chapman and unanimously approved.

COMMUNITY APPEARANCE INITIATIVE

The terms of Jim Robards and Bill Rogers have expired. They both served an initial term of one year when the Community Appearance Initiative was enacted and another three year. Initial year terms are created in order to stagger terms. As such, neither is eligible to serve another term since the initial first year counted as a full term, unless Commissioners choose to waive their terms limits. There are two other applications on file.

Commissioner Chappell moved to appoint Richard Fry and Benjamin Owen. The motion was seconded by Commissioner Phillips and passed by a vote of 4 to 1, with Commissioner Hogsed voting against.

OLD BUSINESS

RESOLUTION APPROVING MODIFICATIONS FOR ROSMAN CAREER TECHNICAL EDUCATION (CTE) FACILITY FINANCING

In March 2010 the Board of Commissioners entered into a financing agreement with BB&T to construct a CTE Facility at Rosman High School. The project bids came in significantly higher than the funds available. The Board of Education has explored various alternatives to reduce the costs. The alternative they selected relocates the CTE facility to another site at Rosman High School and involves the renovation and expansion of existing facilities. In order to proceed with this alternative, the BB&T is requiring a modification of existing documents and agreements.

Commissioner Chappell moved to approve Resolution 18-11 Approving Modifications for Rosman CTE Facility Financing. The motion was seconded by Commissioner Hogsed. Commissioner Chapman inquired about the timeline for completing this project. The Manager reported that a pre-bid meeting is scheduled for June 22 and the Board of Education plans to go out for bids on June 29. They expect to complete the project within the timeline required in the financing agreements. **The motion was approved unanimously.**

(Resolution 18-11 Approving Modifications for Rosman CTE Facility Financing is hereby incorporated by reference and made a part of these minutes.)

SEPTAGE PRETREATMENT

In the mid 1980's the City of Brevard and Transylvania County worked together to construct a facility where the City of Brevard would accept the material from septic haulers at its waste treatment plant in Pisgah Forest. The County secured a grant from the State to fund the septage receiving facility with the understanding that the fees would be set in order to cover the operating costs of the facility.

Approximately two years ago the City Manager informed County staff that the facility was becoming obsolete.

Recently the City went out for bids for the replacement of a belt press, a new grit removal system and a new septage receiving station. The apparent lowest responsible bidder for all three projects was from Carolina Specialties. Their bid for the receiving station was \$144,606.57. The City Manager suggested that the County budget \$160,000 for the project which would include any change orders that may arise. At the last meeting a representative from the Town of Rosman suggested that the Town may be interested in accepting the septage. The Manager met with the Mayor of Rosman and was informed that the Town would not be interested in accepting the waste from septic haulers.

The Manager offered the following options for Commissioners' consideration:

1. Do not participate in the renovation of the septage receiving station - Haulers would be notified by July 1 that the receiving station would close by December 31, 2011. All septic haulers would have to make arrangements with other treatment providers in Hendersonville or Buncombe County to receive septage.
2. Participate with the City of Brevard in renovating the septage receiving station. The estimated capital cost is \$160,000. Also, the County would negotiate an agreement with the City of Brevard regarding the operation and maintenance of the facility.

Staff received the bid information last week and is in the process of reviewing the data. The City is considering raising the fees for local haulers to \$75 which is comparable to surrounding counties. The fee would capture the operating and maintenance costs of the facility. The Manager suggested that both Finance Directors for the City and County meet and determine a way to monitor the revenues on a monthly basis and develop a structure based on an incremental basis so that the County is not supplementing the City's costs. The Manager noted that Buncombe and Henderson Counties work with their local municipalities to provide this service, while other surrounding counties do not. He reported that the City needs a response from the County by June 20. He recommended Commissioners allocate \$160,000 for the project and authorize staff to negotiate an agreement with the City of Brevard on how to account for the revenues and expenditures on a monthly basis.

Commissioner Chappell expressed concern that the stipulations in the original agreement with the City were not adhered to. The Manager said the contract was old and neither entity was aware of it when it was made known that there was a need for renovating the current facility. Part of the reason is because the County has never been involved with setting rates, monitoring revenues and expenditures, etc.

Commissioner Chapman said the only positive outcome for the County is to the local haulers and citizens who would supposedly pay a lower rate if the septage does not have to be hauled to another county. Otherwise, he said there is no other financial benefit to the County to have a septage receiving station. Commissioner Hogsed inquired as to why the County would be interested in entering into another similar contract with the City when the original agreement was not followed. The Manager assured Commissioners that staff would be instructed to review the revenues and expenditures on a monthly and

annual basis. The Finance Department would set up an enterprise fund, similar to that of the Solid Waste Department. This can be done involving both Finance Directors.

Commissioner Chappell inquired about whether other counties charge out-of-county fees. The Manager was not aware of any.

Commissioner Phillips asked who would be responsible for setting the fees. The Manager said this should be part of the negotiations with the City. Both entities will work together to determine the fee amount and ensure that user fees will cover the cost of operating and maintaining the facility.

Commissioner Chapman said the construction costs seem high. The Manager responded that neither entity has the authority to negotiate with the lowest bidder per the NC School of Government. The terms of the bid packet asked for the lowest overall responsible bidder.

Chairman Hawkins noted that the recommendation from staff is for Commissioners to direct staff to enter into negotiations with the City on a potential agreement, not to make a final decision on the project. He noted that Commissioners cannot control what has occurred in the past, only what happens from here moving forward. He believes staff should be allowed to work out an agreement with the City because it provides a service to the citizens of the County. He also suggested that staff discuss with the City about setting up an account for replacement funds when the new facility becomes obsolete.

Chairman Hawkins moved to authorize staff to work with the City of Brevard and to develop an acceptable operation and maintenance agreement and reserve up to \$160,000 for the construction of the facility. The motion failed for lack of a second.

Commissioner Hogsed believes the County should provide this important service to citizens. Therefore, **Commissioner Hogsed moved to continue pursuing other alternatives.** He clarified that the County has the option of working with the Town of Rosman or operating its own facility. The Manager reported that the Town of Rosman has declined interest in accepting the material from septic haulers. He said if the County were to operate its own facility, it would still need to be located near the City of Brevard or the Town of Rosman and would also cost the County significantly more. He believes the best options available are to either not provide the service or enter into an agreement with the City of Brevard.

Commissioner Hogsed withdrew his motion.

Commissioner Chappell moved to notify the City of Brevard of the County's intent to terminate the existing agreement effective December 31, 2011. The motion was seconded by Commissioner Phillips. The motion passed by a vote of 4 to 1, with Chairman Hawkins voting against.

ANIMAL SHELTER

At the May 9 meeting Commissioners rejected all bids received for the construction of a new animal shelter. The Board agreed that staff would explore all options and report back at the second meeting in September. In the mean time, staff met with Dr. Clyde Brooks and Nita Hunt to discuss fundraising for the new animal shelter. They believe they can raise the remaining funds needed to construct the animal shelter as currently designed. However, before they begin a fundraising campaign, it is important that Commissioners agree to commit the funds currently set aside for the animal shelter entirely to the construction of the new animal shelter and that the location remains the Calvert site which is owned by the County. Staff continues to work on other alternatives as directed.

Also, the Manager reported that staff has been working with the City of Brevard and is hopeful that an agreement will be reached whereby the City will participate in the funding of the new shelter. He noted

that another animal advocacy group has been looking at other location alternatives, but as of this date no opportunities have materialized.

Dr. Brooks said he has made presentations about the new shelter to several groups and people are ready to donate to ensure the project becomes a reality, but people first want a strong commitment from Commissioners that they plan to commit the available funds to the project. He said the Calvert site is a good site, even though it is not the most convenient site. The site also offers opportunities for a spay/neuter clinic or dog park.

Commissioner Chapman inquired about the timeframe needed for raising the remaining monies. Dr. Brooks said the first need would be to establish a 501 (c) (3) and initiate other certifications in order to solicit funds. Commissioner Chappell suggested Dr. Brooks explore the option of coordinating with the local community foundation.

Commissioner Chappell inquired about the staffing levels of the shelter as designed. The Manager said the current design calls for the addition of one new staff person. The shelter will use volunteers and inmate labor as well. The new person will be the liaison among all the animal groups to facilitate the adoption of animals.

Commissioner Phillips asked if the design build legislation was passed. The Manager said Representative Guice is working to attach this legislation to another bill. Staff should know by the end of the week if it is approved.

Commissioner Hogsed made a motion that Commissioners move forward with the Manager's recommendation and give consideration to a resolution at the next meeting that would provide a public document to Dr. Brooks and his fellow fundraisers regarding the commitment of the County. The motion was seconded by Commissioner Chappell. Commissioner Chapman agreed that a new animal shelter is needed but he is concerned about the cost of the facility regardless of where the funds come from. He believes some of the items were overbid therefore he is not supportive of committing \$750,000 to this project. Commissioner Phillips said he is also supportive of a new animal shelter; however in light of the current economic situation, he would prefer to downsize the project and use the design build option to lower the overall costs. He was also in favor of setting a timeframe for fundraising because he does not want the project to be further delayed. Chairman Hawkins allowed comments from Dr. Brooks and Ms. Hunt. She said \$750,000 sounds like a lot of money; but when one looks at what has not been spent over the last 60 years for the animals in this community, it averages out to be very little. She said the people of this County want something to be proud of when it comes to an animal shelter. Other counties shelters are so much nicer and it gives the appearance that County officials do not care. Ms. Hunt said Commissioners should build the animal shelter right and for the future. Dr. Brooks noted there are grant funds available for well managed animal shelters. Chairman Hawkins noted there should be components in the resolution such as timeframe and reaffirming the Commissioners' commitment of the funds and the Calvert location as the site of the shelter. He suggested that the Manager work with Dr. Brooks and others to determine a fundraising time frame. **The motion passed 4 to 1, with Commissioner Chapman voting against.**

CONTINUATION OF THE COMMUNITY RESOURCE CONNECTION (CRC) PROGRAM

In January Commissioners agreed to the establishment of a Community Resource Connection (CRC) Program to assist the growing aging population in the County. Funds for the program came from Land-of-Sky Regional Council. The program was established with the understanding that there is no promise of continuation of the program with local funds after June 30, 2011. The County has since received additional funds that will allow the continuation of the program until December 30, 2011 and there are more monies possibly available in January. The Manager offered the following options for the Board's consideration:

1. Discontinue the program and allow another county to perform these services
2. Continue the program as long as funds are available

The Manager recommended allowing the continuation of the program as long as the funding is available from outside sources so no local dollars would be required. Social Services Director Stoney Blevins distributed a handout with information about this program and how it has benefited Transylvania County.

Commissioner Chappell moved to continue the Community Resource Connection Program as long as funding is available. The motion was seconded by Commissioner Hogsed and unanimously approved.

NEW BUSINESS

MANAGER'S REPORT

The Manager reported the following:

1. Everett Farms has been named the North Carolina Farm of the Year. On Friday of this week there will be a celebration at Everett Farms beginning at 10:00 a.m.
2. On June 30 there will be a meeting on the East Fork Bridge, location and time to be determined.
3. On June 24 there will be an open house at the Mills River Town Hall at 2:00 p.m. Commissioners are invited to attend.
4. Staff continues to work on the projects discussed here this evening.
5. Staff is working on finalizing the budget.

PUBLIC COMMENT

Edwin Jones: Mr. Jones said if the County is not satisfied with the way the septage receiving station was being operated by the City, the County has the option of independently operating its own facility. He also said haulers consume a tremendous amount of fuel. Having a facility in Transylvania County would save them in fuel costs and would therefore be a direct benefit to the citizens.

COMMISSIONERS' COMMENTS

Commissioner Chapman said he attended the Blantyre Sesquicentennial Community Event over the weekend. He said it was an excellent event and a lot of work has gone into planning the events for the yearlong anniversary celebration. Chairman Hawkins noted that all the other communities are supporting the other community events as well.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board

06/13/2011