

**MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
December 12, 2011 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, December 12, 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 25 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:05 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.

APPROVAL OF MINUTES

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At the first regular meeting in December of each odd-numbered year the first order of business shall be the approval of the minutes of the previous meeting. The minutes of the November 14, 2011 regular meeting and November 28, 2011 regular meeting and sealed closed session were distributed to the Board for review.

Commissioner Chappell moved to approve the minutes of the November 14, 2011 regular meeting and the November 28, 2011 regular meeting and sealed closed session, seconded by Commissioner Hogsed and unanimously approved.

ELECTION OF OFFICERS

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At the first regular meeting in December of each odd-numbered year the second order of business shall be the election of the chairman and vice-chairman for the ensuing year, per NCGS 153A-39.

Commissioner Chapman nominated and moved to appoint Commissioner Hawkins as chairman for the ensuing year. The motion was seconded by Commissioner Hogsed and unanimously approved.

Commissioner Hogsed nominated and moved to appoint Commissioner Chapman as vice-chairman for the ensuing year. The motion was seconded by Chairman Hawkins.

Commissioner Phillips nominated and moved to appoint Commissioner Chappell as vice-chairman for the ensuing year. Commissioner Chappell respectfully declined the nomination.

Commissioner Chappell nominated and moved to appoint Commissioner Phillips as vice-chairman for the ensuing year. Commissioner Phillips respectfully declined the nomination.

The motion to appoint Commissioner Chapman as vice-chairman was unanimously approved.

PUBLIC COMMENT

Rolanda Galloway: Mr. Galloway leases the Cedar Mountain Quick Stop in Cedar Mountain. She said it is unfair to County residents and business owners that stores in the County cannot sell alcohol. Ms. Galloway said that Transylvania County being a dry county affects tourism and sales in stores outside City or Town limits. She commented that many of her customers become angry that they have to travel to Brevard to purchase alcohol. Ms. Galloway informed the Board that she plans to meet with Elections staff to determine what is necessary to begin the petition process to place this matter on a ballot for the vote of the people.

AGENDA MODIFICATIONS

The Manager reported on the agenda modifications and requested to add Item VII-A Part B Overview of the County's 150th Celebration, Resolution 50-11 under Presentations/Recognitions.

Commissioner Phillips moved to approve the agenda as modified, seconded by Commissioner Hogsed and unanimously approved.

CONSENT AGENDA

Commissioner Chappell moved to approve the Consent Agenda as submitted, seconded by Commissioner Phillips and unanimously approved.

The following items were approved:

FACILITIES USE REQUESTS

The use of Varsity Street parking area by the Unitarian Universalists of Transylvania County on Sundays in 2012 from 9:00 a.m. to 12:30 p.m. for parking for church services was approved.

The use of the Community Services Building Conference Room by the Transylvania TEA Party on Tuesday, December 20, 2011 from 6:30 p.m. to 8:30 p.m. for a monthly meeting of its members was approved.

The use of the Community Services Building Conference Room by the Transylvania Republican Party on the first Thursday of each month in 2012 from 7:00 p.m. to 9:00 p.m. for its monthly Executive Committee and Party meetings was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for November 2011 was approved. A total of \$15,878.49 in taxes was released and a total of \$581.24 was refunded in the month of November.

CANCELLATION OF DECEMBER 28, 2011 COMMISSIONERS' MEETING

Commissioners agreed to cancel the December 28, 2011 regular meeting since there was no pressing business to discuss.

PRESENTATIONS/RECOGNITIONS

OVERVIEW OF COUNTY'S 150TH CELEBRATION

Transylvania County celebrated its 150th Anniversary as a County in 2011. Sesquicentennial Coordinator Carson Griffin gave an overview of the events and activities that have taken place in 2011. She last reported in May 2011. Many great events and activities occurred over the year. Included in the Commissioners' packets was a comprehensive list of those.

Each community held its own community event and all of them were successful and brought members of the respective communities and people from outside the communities together to celebrate. Ms. Griffin reported that the local communities plan to continue their community events. Transylvania County Schools reached over 3,000 kids with their programs and activities, which also gave their families an opportunity to become part of the celebration. She encouraged everyone to visit the Transylvania County Schools website to get an overview of what students have participated in, from writing poems, participating in concerts and plays, designing quilts, creating time capsules, etc.

The Transylvania Heritage Museum planned and participated in numerous programs. The Transylvania County Library and History Librarian Marcy Thompson worked with the communities and anyone that needed help to make their event successful. The Library held 12 Bag Arts Lunch programs and several special historical programs. The Transylvania Community Arts Council held several activities, including the gallery walks, school programs, etc.

Ms. Griffin reported that during the year three songs were written about Transylvania County. At least two were featured on the 150th website. One of the songs was written specifically about the Balsam Grove community.

Other organizations that participated in programs included Brevard College and the Cradle of Forestry. WSQL Radio held a segment once a week dedicated to the Sesquicentennial and people came and spoke about upcoming events and activities. The Transylvania Times and other media highlighted and reported on the Sesquicentennial all year. Comporium was also a big help during the County events.

Ms. Griffin thanked the Sesquicentennial Steering Committee for all the work they have done over the past two plus years and for their dedication to making the County's birthday celebration a success throughout the year. She also thanked all those that planned the community events and the other activities that took place in 2011. Most importantly, she said that the people of Transylvania County loved 2011 and all were proud to be called Transylvanians. The lasting legacies from 2011 will be available for all to enjoy and remember in the future.

County resident and citizen Don Surrette presented Commissioners with a framed copy of one of the large Sesquicentennial Celebration signs that were placed all over the County in 2011. Mr. Surrette personally designed and built the frame. Commissioners expressed their gratitude to Mr. Surrette for his thoughtfulness and for the work he put into building a frame for the sign so it can be displayed permanently for all to remember this great year.

Commissioners, along with Ms. Griffin, the Manager, and members of the Sesquicentennial Steering Committee presented Chairman Hawkins with a framed resolution in his honor for serving as Chair of the Sesquicentennial Steering Committee for the past two and a half years and thanked him for being ambassador, representative, speaker and advocate for every aspect of the celebration.

Commissioner Chappell moved to approve Resolution 50-11 In Recognition of Mike Hawkins. The motion was seconded by Commissioner Phillips. Commissioner Chapman personally thanked

Chairman Hawkins for all the work that he put into his role as chairman of the Sesquicentennial Committee. He said that he and the citizens of this County are grateful for his dedication. Chairman Hawkins expressed deep gratitude for this honor and said it has been a privilege to be part of this experience. He challenged everyone to keep the spirit of the year going long into the future. **The motion was unanimously approved.**

(Resolution 50-11 In Recognition of Mike Hawkins is hereby incorporated by reference and made a part of these minutes.)

IN RECOGNITION OF JEANNE N. UCHNO

Jeanne N. Uchno has been an employee of the Department of Social Services since August 2004 during which time she served as an Income Maintenance Caseworker II in the Family and Children's Medicaid Unit. She plans to retire effective January 1, 2012. Social Services Director Stoney Blevins, Jeanne's supervisor Jeanine Verhaeghe, and Commissioners thanked her for service to the County and wished her many years of good health and happiness.

Commissioner Hogsed moved to approve Resolution 51-11 In Recognition of Jeanne N. Uchno, seconded by Commissioner Chapman and unanimously approved.

(Resolution 51-11 In Recognition of Jeanna N. Uchno is hereby incorporated by reference and made a part of these minutes.)

COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY 2010-2011

The laws of North Carolina, along with policies and procedures of the North Carolina Local Government Commission (LGC), require that all local governments in the State publish a complete set of financial statements annually. The audit will be available for public inspection once approved by the LGC. Erica Brown of Martin Starnes & Associates, the County's auditor, presented an overview of the FY 2010-2011 Financial Reports and its finding and highlighted the following:

- Both revenues and expenditures increased by 1% from the prior year, mainly due to a transfer of funds from the Public Safety Facility Fund
- Total Fund Balance for 2010-2011 increased approximately \$790,000 mainly due to a transfer from the Public Safety Facility Fund
- County's total Fund Balance = \$20 million; available Fund Balance totals \$17.5 million; when compared to FY 2010, that equates to an increase of a little over \$1 million; total unassigned Fund Balance = \$11.8 million
- Total unassigned Fund Balance equals 29.9% of expenditures
- Top three revenues in the General Fund consist of ad valorem taxes (59%), sales taxes (14%), and restricted intergovernmental revenues (15%)
- Property tax decreased from the prior year less than 1%
- Sales tax increased approximately 5.7%
- Restricted and intergovernmental revenues (grants) decreased approximately 7% from the prior year mostly due to receiving less in State and federal funding for Human Service programs
- Top three expenditures are Education (includes debt service paid on bonds; increased about 4.5% from the prior year), Public Safety (decreased about 3.5% from the prior year mainly due to capital) and Human Services (decreased approximately 5%) and comprise 79% of the County's total expenditures

Ms. Brown noted that the Local Government Commission typically approves the audit within two weeks after submission.

Commissioner Chapman asked Ms. Brown, in her professional opinion, if the County is in good financial shape. Ms. Brown responded that the County's Fund Balance policy is a Board decision. If Commissioners feel the Fund Balance is where it should be, then she would say that the County is in good financial shape.

Commissioners thanked the Finance Director Gay Poor, her staff and the Manager for their assistance with the audit preparation. Chairman Hawkins said the good financial reports are a reflection of the work of the County staff and County Manager. He said the report also indicates the County has an outstanding tax collection rate. The high collection rate helps keep the County in a good financial situation as well.

Commissioner Chappell said he was one of the Commissioners that pushed to change auditors a couple of years ago because he felt it was appropriate to have a fresh set of eyes on the County's finances. He thanked staff for being willing to adjust to new auditors and for going through the changes involved with switching auditors.

Commissioner Phillips moved to accept the audit report for FY 2010-2011, seconded by Commissioner Chappell and unanimously approved.

APPOINTMENTS

BREVARD PLANNING AND ZONING BOARD

The term of Rick Lasater expires at the end of December. He has served two consecutive terms and part of an expired term. He was recently appointed as chairman of the Brevard Planning and Zoning Board and has requested that the Board of Commissioners waive his terms limits and allow him to serve another term. The City Clerk made the same request via email. There is one other eligible application on file.

Commissioner Hogsed moved to waive the term limits and reappoint Rick Lasater to serve another term, seconded by Commissioner Chappell and unanimously approved.

HUMAN RELATIONS COUNCIL

The County appoints six members to the Human Relations Council. Four of those members have resigned. The Clerk has been in contact with the City Clerk for a couple months now trying to recruit members. Two members have agreed to continue to serve and one application was received due to a recent advertisement. Reappointing the two members and appointing the new applicant leaves three vacancies remaining.

Commissioner Chappell moved to reappoint Dan Brightwell and Melissa McGill and appoint Wendy Manner to fill one of the vacancies. The motion was seconded by Commissioner Chapman. Commissioner Phillips did not feel comfortable making these appointments at this time. Commissioner Chappell withdrew his motion.

Commissioner Phillips moved to table the appointments to the Human Relations Council to the first meeting in January, seconded by Commissioner Chappell and unanimously approved.

BOARD OF HEALTH

The terms of Terry Allen, Elaine Deppe and Dr. John Folger expire at the end of December. They have all served at minimum two terms.

Commissioner Chappell moved to waive the term limits and reappoint Terry Allen to serve as the Professional Engineer representative as there are no other applicants to fill this role. The motion was seconded by Commissioner Phillips and unanimously approved.

Commissioner Chappell moved to table filling the other vacancies to the second meeting in January in order to get a recommendation from the Board of Health. The motion was seconded by Commissioner Phillips and unanimously approved.

RECREATION ADVISORY BOARD

Brad Renegar recently had to resign from the Recreation Advisory Board because he can no longer attend the meetings due to his work schedule. There are two applications on file.

Commissioner Hogsed nominated and moved to appoint Todd Branham, seconded by Commissioner Chappell and unanimously approved.

NURSING/ADULT CARE HOME ADVISORY COMMITTEE

Shelley Green recently resigned from the Nursing/Adult Care Home Advisory Committee because she could not attend the meetings due to her work schedule. There are two applications on file.

Commissioner Chapman nominated and moved to appoint Madelyn Meyer to fill the unexpired term of Shelley Green, seconded by Commissioner Hogsed and unanimously approved.

TRANSYLVANIA COUNTY COUNCIL ON AGING

There are three vacancies on the Transylvania County Council on Aging: two Senior Citizen positions and one Health Department position. Members of the Council on Aging have been working to recruit members and they been able to recruit for one Senior Citizen position and the Health Department position. These are the only applications on file that qualify for either position. Members will continue to recruit for the remaining vacancy.

Commissioner Hogsed moved to appoint Jessica Nolan to fill the vacant Health Department position and appoint Joan Uhler to fill one of the vacant Senior Citizen positions. The motion was seconded by Commissioner Chappell and unanimously approved.

OLD BUSINESS

BIDS FOR RENOVATION OF THE OLD SHERIFF'S BUILDING FOR THE TAX ASSESSOR/COLLECTOR AND REGISTER OF DEEDS

Finance Director Gay Poor reported that during discussions in late FY 2011 about renovations of the old Sheriff's building, Commissioners asked staff to investigate the legality and feasibility of the County serving as its own general contractor and bidding out different components of the renovation project to subcontractors. The County's Purchasing Agent, Michelle McCall, researched the County's options and verified that, per NCGS 143-128(b), the County may use the separate-prime contract system. Under this method the County may request and accept bids for individual categories of work and award contracts separately to responsible and reliable businesses regularly engaged in their respective lines of work. NCGS 143-133 does, however, specifically prohibit dividing contracts to avoid competitive bidding. Staff felt confident that this would not be an issue since the quote received when the project was originally bid as a single-prime contract was less than the dollar threshold for formal bidding. It was anticipated that the project would continue to be in the informal bid range.

In addition, as Commissioners requested, County staff reviewed the plans for the project with the architect, eliminated non-essential renovations, and revised the specifications accordingly. Staff advertised for bids for renovation of the old Sheriff's building for the Tax Assessor/Collector and Register of Deeds. Bids were solicited for four divisions of work - (1) General Construction, (2) Mechanical, (3) Electrical, and (4) Flooring- with Transylvania County acting as the General Contractor.

Project Manager Larry Reece, Operations Director David McNeill, Ms. McCall, and Ms. Poor reviewed the bids and based on staff's evaluation and the comments Ms. McCall received from their references, the contractors who submitted the lowest cost bids were deemed responsive and responsible. Staff, therefore, recommended that the contracts be awarded as follows:

General Construction	Appalachian Construction	\$118,000
Mechanical	Gentry Heating, Inc.	\$ 39,492
Electrical	Brevard Electric	\$ 26,500
Flooring	Carolina Flooring	\$ 18,878 (Base)
		\$ 225 (Alternate)

The total of the lowest bids, including the alternate for the flooring, is \$203,095.

The total project cost including construction, furniture, fixtures and equipment, fees and a 5% contingency is \$344,050. This is made up of the following:

Construction Cost	\$203,095
Fees-City and Architect	\$ 6,600
Furniture, Fixtures & Equip	\$117,972
Subtotal	\$327,667
5% Contingency	\$ 16,383
Total Project Cost	\$344,050

The construction cost, taking into account the cost of the roofing project already completed, is \$161,992 less than the first bid of construction costs. This is a result of elimination of non-essential renovations of the ductwork and removal of walls, thus removing the requirement of having to redo the insulation. These costs do not include any type of appearance improvement to the exterior of the building.

There are funds set aside in the General Capital Projects Fund for building renovations. These are currently earmarked for renovations to the old Library, but the project ordinance may be amended to appropriate a sufficient amount for the old Sheriff's building renovation, if approved. Consequently, there will be no impact to the General Fund Budget.

Commissioner Chapman inquired about the time frame to complete the project. The Manager responded that the project should be complete within 90 to 120 days. He noted that staff is required to make application to the State in order for the County to be its own contractor which cannot occur until the Board approves the bids. Staff hopes to begin the project in January, weather permitting. The Manager also noted that since the County will be its own contractor, the Project Manager will be responsible for coordinating each phase of the project.

Commissioner Phillips said it is important to move forward with the project because it will provide much needed space for the Register of Deeds and Tax Offices, including public access without having to go through Courthouse security. Commissioner Phillips also expressed happiness about the project being completed by local contractors.

Commissioner Phillips made a motion that included the following:

- 1) **Award the contract for the base bids to Appalachian Construction (\$118,000), Gentry Heating, Inc.(\$39,492), and Brevard Electric(\$26,500) and the base bid plus the alternate to Carolina Flooring (\$19,103), and**
- 2) **Approve the Project Budget for the old Sheriff's Building totaling \$344,050, and**

- 3) **Give the County Manager authority to approve change orders as long as the project stays within the approved budget. The County Manager will report monthly to the Board of Commissioners all Change Orders approved.**

The motion was seconded by Commissioner Hawkins. Commissioner Chappell inquired about any potential issues with the State about the County being its own contractor. The Manager replied that the Building and Permitting Director anticipates no issues with the State. Commissioner Hogsd thanked the Register of Deeds and Tax Office for their patience on this project while Commissioners sought ways to achieve savings. Chairman Hawkins thanked Commissioners and especially Commissioner Phillips for moving the Board and staff into the direction for being its own contractor and other design issues that helped achieve additional savings. Lastly, Commissioner Chapman commented that this building has been neglected for some time and it should be a facility everyone can be proud of. He said he hopes there will be plans to improve the appearance of the outside of the facility to represent the excellence that is present in the County. **The motion was unanimously approved.**

NEW BUSINESS

RESOLUTION AUTHORIZING THE REMOVAL OF VITAL RECORDS FOR PRESERVATION

Register of Deeds Cindy Ownbey received budgetary approval in FY 2009 for a Vital Records Preservation Project. Due to the downturn in the economy the project was delayed. The vital records have reached a point of fragility that the Register of Deeds included this preservation project as part the FY 2012 Budget. The process will begin with the preservation of Birth, Death and Marriage records. The records will be removed in segments and will be absent from the office for approximately eight weeks per segment. The process provides de-acidification and encapsulation of the records as the means of preservation. The company will provide immediate assistance if a copy of a record is needed. The cost of the project (\$100,000) is spaced over a five year span with \$25,000 the first year. The project will be funded from the Enhancement Fund. As of June 30, 2011 the Enhancement Fund Balance was \$135,426 with \$36,500 committed in the FY 2012 Budget (\$25,000 for the Preservation Project). In order to proceed with the Preservation Project the Register of Deeds needs authorization by the Board of Commissioners to remove the vital records offsite for the time necessary for their preservation.

Commissioner Chapman commented there should be a plan to preserve other vital County historical documents and records and to protect them from potential fire or water damage.

Commissioner Chapman moved to approve Resolution 52-11 Preservation of Records in Transylvania County Register of Deeds Office, seconded by Commissioner Phillips and unanimously approved.

(Resolution 52-11 Preservation of Records in Transylvania County Register of Deeds Office is hereby incorporated by reference and made a part of these minutes.)

MUTUAL AID AGREEMENT WITH OCONEE COUNTY, SC

Since Transylvania County and Oconee County, SC are geographically adjacent to each other, it is prudent that the two counties have an Emergency Mutual Aid agreement in place. The proposed agreement grants the Emergency Management Directors the authority to use their resources to assist each other in local, natural, or man-made disaster situations when the need arises. However, the County rendering mutual aid may withhold resources to the extent necessary to provide reasonable protection for its own commitments. The Emergency Management forces of the County rendering mutual aid shall remain under the command and control of their regular leaders, but the organizational units shall come under the operational control of the Emergency Management authorities of the County requesting mutual aid. The County requesting mutual aid shall provide for the physical needs of the personnel of the County

rendering mutual aid and the County requesting mutual aid shall be responsible for the operational costs incurred by the County rendering mutual to the extent mutually agreed upon. The Manager noted that staff may also consider agreements with Greenville and Spartanburg in the future.

Commissioner Phillips moved to approve the Mutual Aid Agreement between Transylvania County, NC and Oconee County, SC, seconded by Commissioner Hogsed and unanimously approved.

IMPROVEMENTS TO US 64 WEST

The NC Department of Transportation (NCDOT) is proposing to make safety improvements to a portion of US 64 West by constructing climbing lanes. The length of the construction is approximately two miles and will begin at the eastern most section of Flat Creek Valley Road and continue near Indian Creek. Right of Way is scheduled to begin in March 2013 and construction to begin in March 2015. The NCDOT has requested any information the County may have that would be helpful in evaluating potential environmental impacts to the project. The Manager submitted a draft letter to the Board for approval. The letter states that the Board is not aware of any potential environmental impacts and asks that the NCDOT make the necessary safety improvements.

Commissioner Chappell moved to approve the letter to the NCDOT, seconded by Commissioner Hogsed and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- East Fork Bridge-A public meeting was held on Tuesday, November 29 at 5:30 p.m. at Rosman High School to discuss location alternatives for replacement of the East Fork Bridge. There will be a 30-day comment period after which the NCDOT will make a recommendation as to which alternative it favors.
- Vacant positions that have been approved to be filled- Since the last report the Manager has given permission to fill a Developmental Day Teacher 1 position that will be leaving December 31 and eight positions in the Sheriff's Department (many of which had trickle down effects as the positions were filled internally).
- The Closing Ceremony for the County's 150th Celebration was held on Saturday, December 3, 2011 in the large Courtroom of the Courthouse. The Manager thanked everyone that participated in the County's 150th Celebration and everyone who worked so hard to make this year's celebration a great success. He gave a special thanks to Chairman Hawkins for his leadership in guiding the Steering Committee these past two plus years.
- Work continues on tweaking plans for the animal shelter. A meeting was held with Dr. Brooks and Nita Hunt to discuss the status of the Friends of the Animal Shelter's fundraising efforts and review the plans.
- Thanked the Board for approving the renovation of the old Sheriff's Building for the Register of Deeds and Tax Office; everyone has worked hard to reduce the costs of the project.
- Work is almost finished reviewing the results of the Davie County Study. The Manager should have the results for review in January.
- The Manager reviewed Yadkin County's transparency efforts and staff is working on a plan to include more information on the County's website thus making the County's information more transparent to the public. Staff is also reviewing new website designs.
- Staff has reviewed the sealed Closed Session minutes and there are none to be open at this time.
- Transylvania County will receive \$25,000 in grant funds from the NC Department of Environment and Natural Resources to remove the log jam in the French Broad River. He

thanked the local Soil and Water Conservation District Office for submitting the application. There will be discussions beginning in January about matching grant funds and the timeframe for fixing the problem.

- The Superintendent of Transylvania County Schools responded to an inquiry from the Manager about the financial impact of adding five additional days to the school year. First estimates are that transportation costs will increase by approximately \$30,000. There may be other expenses but a total assessment has not been completed at this time.

In response to a question from Commissioner Chapman, the Manager reported that the Board of Education's audit should be available for inspection soon.

PUBLIC COMMENTS

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Phillips inquired about some new guard rails that are being installed by the NC Department of Transportation (NCDOT) on Old Highway 64. He said he has heard comments from the public that the guard rails are not needed and that other areas are being neglected. The Manager said he would contact officials to obtain answers.

Commissioner Chapman thanked Commissioners for electing him as Vice Chairman. He promised to do his best in representing the Board and the County.

Chairman Hawkins wished everyone a Merry Christmas and reported that the Board's next meeting is scheduled for January 9, 2012.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board