

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 27, 2012 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, February 27, 2012 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

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

Media: *Hendersonville Times New* – Leigh Kelley
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 7:02 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

Larry Gregory: Mr. Gregory spoke in reference to a countywide alcohol referendum and requested the Board of Commissioners investigate the possibility of putting this to a vote of the people during the upcoming election, similar to what Henderson County is doing. He said there are several businesses and restaurants in the County that wish to sell alcohol and they are losing business and customers are leaving angry because they must travel to Brevard and other areas to purchase alcohol. Mr. Gregory believes the inability of businesses and restaurants in the County to sell alcohol has a negative impact on tourism. Mr. Gregory believes the Board of Commissioners should allow the people to vote and if they vote no then at least it was the people's decision.

Shirley Galloway: Ms. Galloway is the owner of Cedar Mountain Quick Stop and she also urged Commissioners to enter the process to get a countywide alcohol referendum on the ballot for the upcoming election. She said she must turn customers away but said she sends them back over the state line to South Carolina, not to Brevard, because she believes there is a double standard when it comes to alcohol sales in the County and she refuses to send the City any business.

Bryan Grosvenor: Mr. Grosvenor is with Key Falls Bed and Breakfast which is located approximately three miles from the Courthouse. Key Falls has been in business since 1987 and is a member of the Chamber of Commerce. He commented that he recently spoke with Commissioner Chapman about the issue of placing an alcohol referendum on the ballot and Commissioner Chapman informed him that it was unlikely the Board would take up this matter in the near future. Mr. Grosvenor pointed out that it is not up to Commissioners to decide whether or not alcohol sales should occur in the County; but only to allow the people the opportunity to vote on this matter. As a business owner, he said he would like to have the freedom to sell what he wants in his place of business and the ability to compete with other

businesses in the community. He pointed out that businesses in the City have an unfair advantage over businesses outside City limits because they can sell alcohol. Mr. Grosvenor urged the Board to allow voters to decide whether or not they want alcohol sales in the County. He noted that several people have tried to obtain the number of signatures needed to place this on the ballot but the group is not organized and cannot put forth the time and effort to get all the required signatures. He assured the Board if the voters turn down the referendum, he would never approach the County again about this issue.

Bill Towler: Mr. Towler is the current chairman of the Economic Development Advisory Board and his appointment as chairman expires at the end of February. He respectfully requested to be reappointed as chairman for 2012.

Chairman Hawkins informed those speaking on the alcohol referendum issue that Commissioners may speak about this subject later on in the agenda.

AGENDA MODIFICATIONS

The Manager reported on the agenda modifications. He requested to add another facilities use request under the Consent Agenda and to add Item VIII-C Economic Development Vision under New Business and move the Manager's Report to Item VIII-D.

Commissioner Hogsed moved to approve the agenda as modified, seconded by Commissioner Chappell 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:

MINUTES

The minutes of the February 13, 2012 regular meeting were approved.

FACILITIES USE REQUESTS

The use of the Courthouse gazebo by the Children's Center on April 25, 2012 from 8:00 a.m. to 8:00 p.m. to provide public awareness of the prevention of child abuse was approved.

The use of the Courthouse lawn and gazebo by the Heart of Brevard on the following dates was approved:

- May 26-27, 2012 from 7:00 a.m. to 8:00 p.m. for the Memorial Day Parade and Ceremony and White Squirrel Festival
- July 4, 2012 from 6:00 a.m. to 7:00 p.m. for the Fourth of July Festival
- October 27, 2012 from 8:00 a.m. to 8:00 p.m. for HalloweenFest
- December 1, 2012 from 9:00 a.m. to 10:00 p.m. for the Twilight Tour

In addition, the use of the large courtroom in the Courthouse by the Heart of Brevard on the following dates was approved:

- October 27, 2012 from 8:00 a.m. to 11:00 p.m. for the Old Time Music Competition
- December 1, 2012 from 4:00 p.m. to 8:00 p.m. for the Twilight Tour

The use of the training room at the Public Safety Facility by the Williamson Creek Republican Precinct for a precinct meeting on April 10, 2012 from 7:00 p.m. to 9:00 p.m. was approved.

The use of the Community Services Building Conference Room by the Mark Meadows for Congress Campaign on March 5, 2012 from 2:00 p.m. to 6:00 p.m. to meet and greet community business leaders was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for January 2012 was approved.

PRESENTATIONS/RECOGNITIONS

FINANCE DEPARTMENT UPDATE

Finance Director Gay Poor gave an update on the activities going on in the Finance Department. The mission of the Finance Department is to conduct the financial activities of Transylvania County according to the budget ordinance, local policies and procedures, NC General Statutes, the Local Government Commission, and generally accepted accounting standards and to provide reliable, useful information for internal fiscal management and the general public. The Finance Department serves both internal and external customers. Internal customers consist of other departments, the Board of Commissioners and the County Manager, and all employees. External customers include people who receive direct services from the County, vendors and contractors, and citizens whose money the County collects, spend, tracks and reports.

Ms. Poor recognized her staff in attendance and reviewed all her staffs' main job responsibilities.

Anita Barnard

Anita is responsible for processing the County's annual payroll, which last year totaled \$12.8 million. The payroll is processed bi-weekly for approximately 365 part-time and full-time employees. Last fiscal year, Anita issued 9,803 paychecks. Other payroll related duties include transferring employee deductions to the appropriate party, paying State and federal payroll taxes bi-weekly and retirement contributions monthly, filing quarterly State and federal forms, and preparing year-end W2's and other reports. In addition, Anita reconciles the monthly bank statement for the County's central depository account and assists with EMS collection efforts, as time permits. Anita started working part-time with the County in 1994 and became a full-time employee in 1999.

Deanna Medford

Deanna, who joined the Finance Department in 2003, handles both Accounts Payable and Accounts Receivable, other than EMS. Accounts Payable is processed every week. Last fiscal year, Deanna issued 7,392 checks, paying out \$27.7 million to vendors, contractors, DSS clients, the school system, and other organizations and governmental agencies. On the Accounts Receivable side, in addition to several miscellaneous receivables, Deanna has set up accounts for over 100 accommodations providers and tracks occupancy tax payments for each one, and she maintains the accounts receivable sub-ledger for nearly 125 credit customers at the landfill. Deanna is also responsible for adding and updating the County's fixed assets and the schedule for property and liability insurance coverage.

Michelle McCall

Michelle is responsible for Purchasing and Risk Management. In the three years that Michelle has been a member of the Finance Office she has prepared bid documents and participated in the bidding process for 12 projects. She also works with departments and negotiates with vendors to get the best value for items. Last year she processed over a thousand purchase requisitions. Michelle also helps to dispose of items after they have been declared surplus. In FY 2011 she organized two online auctions that netted the

County \$31,000. Her Risk Management activities include processing and tracking property and liability claims and updating schedules for insurance coverage. She also records daily cash receipts and monthly usage of inventories.

Christy Stansel

Christy has worked in the Finance Office since 1986. She currently allocates her time between general ledger work and ambulance billings and collections. Her general ledger work includes reconciling the Tax Office's ad valorem tax payment records with daily deposits; preparing, reviewing, and posting journal entries; verifying and entering all budget amendments; and generating financial reports at month-end and when requested. Over the past few years, as the number of ambulance transports has increased and Medicare and Medicaid requirements have become more complex, Christy has had to dedicate more time to this component of her job. Last fiscal year she billed for a little over 3,000 transports and collected \$1,046,000.

Ms. Poor said the work her staff does is the foundation for all the financial information that the County has and that information is only as good as the information they process. She assured Commissioners that the information that comes out of the Finance Office is accurate, reliable and thorough. The Finance Department handles a tremendous volume of work and transactions with an amazing degree of accuracy and compliance with statutes, generally accepted accounting standards, and other requirements. As far as new activities in the Finance Department, staff has recently been learning to use an updated version of the software that was installed in December.

Commissioner Chappell thanked Ms. Poor and her staff for the long hours they put in for the difficult job they do. He said their hard work does not go unnoticed. Furthermore, the Finance Department has been awarded and recognized for their annual financial reports which indicate the wonderful job they do.

Commissioner Chapman said Commissioners are always looking for ways to be more efficient and he wondered about the possibility of instituting a monthly payroll and if there was an actual cost savings to the County to do this. Ms. Poor said this is an item staff will look into.

Commissioner Hogsd thanked Ms. Poor and her staff for the wonderful job they do. Chairman Hawkins thanked the Finance Office for handling the transition to a new auditor because he knows there was lots of extra work involved with that transition.

APPOINTMENTS

TRANSYLVANIA COUNTY COUNCIL ON AGING

There is one vacancy on the Council on Aging. The position should be filled by a senior citizen. A special committee worked to recruit members. There are five applications on file. It is the recommendation of the Council on Aging to appoint Geraldine Hambley to fill the senior citizen position.

Commissioner Chappell moved to appoint Geraldine Hambley to fill the senior citizen position, seconded by Commissioner Chapman and unanimously approved.

COMMUNITY APPEARANCE INITIATIVE – CHAIRMAN

The Community Appearance Initiative chairman is appointed annually by the Board of Commissioners. Don Surrette is the current chairman and has no objection to serving for another year.

Commissioner Phillips moved to reappoint Don Surrette as chairman of the Community Appearance Initiative for 2012, seconded by Commissioner Hogsd and unanimously approved.

PLANNING BOARD

At the January 9, 2012 meeting, Mason Sexton resigned his membership to the Planning Board as well as his role as chairman of the Planning Board. Mark Peddy was appointed as a new member to the Planning Board at the same meeting and Commissioner Chapman asked if the Board of Commissioners would be better served to have Mr. Peddy as a member of the Economic Development Advisory Board instead, or that maybe he even serves on both boards.

Commissioner Chapman made a motion to remove Mark Peddy from the Planning Board and appoint him to the Economic Development Advisory Board. The motion was seconded by Commissioner Hogsed. There was discussion about whose term Mr. Peddy would fill. **Commissioner Chapman, at the request of Commissioner Chappell, amended his motion to note that Mr. Peddy would replace Madrid Zimmerman at the end of her term. There was no objection to the amended motion and the motion was approved unanimously.**

Commissioner Hogsed nominated and moved to appoint Mark Tooley to fill the unexpired term of Mason Sexton, seconded by Chairman Hawkins and unanimously approved.

Commissioner Chapman nominated and moved to appoint Mike West to fill the term vacated by Mark Peddy, seconded by Commissioner Chappell and unanimously approved.

Commissioner Chappell moved to appoint Scott McCall as chairman for 2012, seconded by Commissioner Phillips and unanimously approved.

ECONOMIC DEVELOPMENT ADVISORY BOARD

The terms of Larry Canady, Mack McNeely, Roger Petit, Bill Ragland and Madrid Zimmerman expire at the end of February. Mason Sexton resigned effective January 9, 2012. Larry Canady served as the City of Brevard's representative. Brevard City Council appointed Councilman Charlie Landreth as his replacement at a meeting in January. Mack McNeely is eligible and willing to serve another term. Roger Petit represents the Town of Rosman and due to the meeting schedule he has been unable to attend most meetings. The Rosman Board of Aldermen will consider his possible replacement at their March meeting. Bill Ragland is eligible and willing to serve another term. Madrid Zimmerman has served two full terms and is no longer eligible to serve another term. It is also the responsibility of the Board of Commissioners to appoint a chairman annually.

At a previous meeting, Commissioner Chappell suggested appointing a Commissioner to serve as a member of the Economic Development Advisory Board. The bylaws specifically define the makeup of the membership. If the Board decides to appoint a Commissioner, the bylaws must be amended to indicate the membership change.

Commissioner Phillips moved to reappoint Mack McNeely and Bill Ragland to additional terms. The motion was seconded by Commissioner Chappell and passed by a vote of 4 to 1, with Commissioner Hogsed voting against.

Commissioner Chapman nominated and moved to appoint Larry Nelson to fill the unexpired term of Mason Sexton. Commissioner Chapman highly recommended Mr. Nelson for this position and explained his reasons for the nomination. **The motion was seconded by Commissioner Phillips and unanimously approved.**

Commissioner Hogsed moved to reappoint Bill Towler as chairman for 2012, seconded by Commissioner Chappell and unanimously approved.

MOUNTAIN VALLEYS RESOURCE CONSERVATION AND DEVELOPMENT BOARD

Eric Caldwell has been unable to attend all the meetings due to other job commitments and has requested that the Board replace him. Alan Johnson is eligible and willing to serve another term. The Manager mentioned that one of the applicants prefers to serve on the Transylvania Natural Resources Council.

Commissioner Phillips moved to reappoint Alan Johnson to serve another term, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Chappell nominated and moved to appoint Chris Biecker to replace Eric Caldwell, seconded by Commissioner Phillips and unanimously approved.

TRANSPORTATION COMMITTEE – CHAIRMAN

When the Transportation Committee met in January it was the consensus of the members to reappoint Dana Hawkins as chairman. It is role of the Board of Commissioners to appoint a chairman annually. Also, there is one application on file. The Clerk will continue to advertise for the vacancy.

Commissioner Chappell moved to reappoint Dana Hawkins as chairman for calendar year 2012, seconded by Commissioner Chapman and unanimously approved.

NEW BUSINESS

SCATTERED SITE HOUSING ADMINISTRATION APPLICATION & CONTRACT WITH BENCHMARK, CMR, INC.

Transylvania County is in the process of making application for a \$400,000 Scattered Site Housing Grant. Two public hearings have been held stating the County's intent to make application for this grant and its intended use. Staff is confident that the County will be awarded the grant and is therefore requesting approval to enter into a contract with Benchmark CMR, Inc. to complete the application, select the applicants, and prepare preliminary information on the houses to be renovated. The cost is \$6,500 which will come from the grant funds; however if no grant funds are received, there will be no financial obligation by the County to Benchmark CMR, Inc. Staff used the federally approved small purchase procedures and solicited four firms to make a proposal. Benchmark CMR, Inc. was the only firm to respond. The County has used the services of Benchmark CMR, Inc. in the past and is satisfied with their performance.

Commissioner Chapman inquired further about the bid process being that only one firm responded. Planning and Economic Development Director Mark Burrows noted there are not many firms that participate in this type of specialized work. There are some other planning-related firms in the eastern part of the State but they did not make application because WNC is too far making it too difficult to administer the grant appropriately. Benchmark CMR, Inc. is located in Kannapolis. They are also working with Henderson County on the same process.

Commissioner Chapman also inquired about which party is responsible if issues arise. Mr. Burrows replied that there is a complaint procedure for citizens in which the individual would contact the Planning Office. The NC Department of Commerce makes the final determination as to whether or not the contractor completed the work as specified in the contract. Ultimately, the County is the responsible party since the County is the entity receiving the grant funds.

Commissioner Chappell moved to authorize the Chairman to sign the contract with Benchmark CMR, Inc. with the understanding that if the \$400,000 Scattered Site Housing Grant is not received there will no financial obligation to pay them the \$6,500 for preparing the application and doing the

preliminary work necessary for the application. The motion was seconded by Commissioner Phillips and unanimously approved.

AUTHORIZATION OF THE SHERIFF'S ADMINISTRATIVE CAPTAIN AND ADMINISTRATIVE LIEUTENANT AS DEPUTY FINANCE OFFICERS

In the FY 2010-2011 Audit Compliance Letters the auditors noted a few accounts that were not under the control of the Finance Department. These funds were being held on behalf of the inmates and Cops 4 Kids program. The auditors recommended the funds held on behalf of the inmates and the Cops 4 Kids program be maintained in a separate trust account and controlled by the Finance Officer or duly authorized Deputy Finance Officers. In order to accomplish the auditor's recommendation the Finance Director recommends the following:

1. Authorize the Finance Director to establish separate bank accounts for the DARE and SHIELD programs.
2. Approve reporting the Inmate Trust, Cops 4 Kids, DARE and SHIELD Camp accounts in the Agency Fund.
3. Duly authorize Administrative Captain Eddie Lance and Administrative Lieutenant Mike Carpenter as Deputy Finance Officers.
4. Limit the authority of Administrative Captain Eddie Lance and Administrative Lieutenant Mike Carpenter to financial transactions related to the inmate Trust Fund, Cops 4 Kids, and DARE and SHIELD Camp donation accounts.
5. Require two signatures on each check issued, per NCGS 159-25, which in the absence of the Administrative Captain or Administrative Lieutenant would be the County Manager or the Finance Director, as authorized by the Budget Ordinance.

Commissioner Hogsed moved to approve the recommendation. The motion was seconded by Commissioner Chapman. Chairman Hawkins noted there was no indication or implication of any misuse of funds; this measure provides additional oversight over the County's finances. **The motion was unanimously approved.**

ECONOMIC DEVELOPMENT VISION

In 2010, the Board of Commissioners adopted a three year Economic Development Strategic Plan which will expire in 2012. In 2011 as part of the County's Sesquicentennial Celebration, the Economic Development Advisory Board (EDAB) conducted a survey about economic development and the biggest concern expressed by most participants was the need for jobs in the community which is the current focus of the City of Brevard, the Chamber of Commerce and the Transylvania Partnership. Staff feels that now is the time to leverage the enthusiasm and willingness of members of the community to come together and develop a common vision for the County as a whole. Staff proposed to determine a process supported by the Board of Commissioners to develop a vision for economic development and requests permission to move forward and bring back a recommendation at the first meeting in April. The Manager requested that two Commissioners also work with staff and others to develop this process.

Chairman Hawkins believes the process that is developed should be a structure in which Commissioners can take a comprehensive look at the various components of economic development as it relates to the County and one that allows Commissioners to determine goals that are realistic, feasible and reachable.

Commissioner Chappell moved to authorize Chairman Hawkins to develop a proposed visioning process for economic development for Transylvania County and bring back a proposal for Board discussion at the April 9, 2012 regular meeting. The motion was seconded by Commissioner Phillips. Commissioner Chapman preferred that Commissioner Chappell be the other Commissioner to participate in the planning process because of his background and experience. **Chairman Hawkins requested that Commissioner Chappell amend his motion to include himself. There was no**

objection. The amended motion was seconded by Commissioner Chapman. Chairman Hawkins mentioned earlier in the meeting that Commissioners may discuss the issue of an alcohol referendum during this meeting. To educate Commissioners and the public about the referendum process, Chairman Hawkins called upon Elections Director Karen Brinson to explain further. Ms. Brinson reported that by law the referendum cannot be placed on the ballot of a general election in an even year. There is no primary election in 2013. A general election will be held in November 2013 for municipal elections only. If the Board should take action at this meeting, the next step would be for her to call a special meeting of the Board of Elections. If Commissioners do not take action, they could call for a special election. Commissioners would have to take action at this meeting in order to place the referendum on the upcoming ballot for the May 2012 primary election. Chairman Hawkins suggested that, because it was mentioned during the public comment period that the ability to sell alcohol in the County was an economic development issue, the discussion should take place during the process of putting together an economic development plan. Furthermore, Commissioners should have the opportunity to prepare before calling for a referendum on any matter. Chairman Hawkins said including this discussion in the development of a process for economic development might be a way to begin those preparations. Commissioners made brief comments and the consensus of the Board was not to take up this discussion during this meeting and not to take any action because it was not an agenda item and therefore the public was not made aware of the discussion prior to the meeting. Commissioners would first like to receive input from the public, law enforcement, etc. in order to make the best decision for all citizens in Transylvania County. **The motion was unanimously approved.**

MANAGER'S REPORT

The Manager reported the following:

1. No vacant positions have been approved to be filled since the last report.
2. Staff reviewed the plans and specifications for the new animal shelter with the Friends of the Animal Shelter and the architect. The architect is in the middle of a project and indicated it will probably be mid-March before he can make the changes. The Building and Permitting Department is also reviewing the plans to ensure that the new NC Building Codes do not affect the current plans. It appears it may be April before staff can go out to bid on the animal shelter.
3. Work is progressing on the renovation of the old Sheriff's Building. The public will be given ample notice before the actual move occurs.
4. Met with Transylvania County Schools Superintendent Jeff McDaris, Rosman Mayor Brian Shelton, Building and Permitting Director Jeff Fisher and Professional Engineer Terry Allen to discuss alternatives to the construction of a wall at the Rosman High School baseball field. A modification to the original project was suggested. School officials will discuss the alternatives with the student and his parents. Everyone is hopeful that an agreeable solution can be reached.
5. Met with several animal advocacy groups and discussed the current conditions at the animal shelter and the health concerns associated with keeping animals for extended periods of time. All agreed that the goal was for animals to be adopted or in foster care within seven days. To help facilitate adoptions, the County website now displays photos of animals in the shelter.
6. Staff continues to work on the budget.

PUBLIC COMMENT

There were no comments by the public.

COMMISSIONERS' COMMENTS

Commissioner Phillips said he believes Chairman Hawkins and Commissioner Chappell are the best choices to help begin an economic development process for the County. He looks forward to learning about the process that the group develops.

Commissioner Chapman thanked Chairman Hawkins for starting a process to address economic development because it is so important to this community right now. Chairman Hawkins thanked Commissioner Chappell for also serving on the committee and thanked staff for the work they are doing.

Commissioner Hogsed thanked the Manager and staff for including citizens in issues such as the animal shelter plans, to help resolve the issue with the Senior Project at Rosman High School, and meeting with several different animal advocacy groups that had concerns about the kennel cough incident at the shelter. Commissioner Hogsed also commented that having a common vision for economic development is not a new concept and is something this Board has strived to do. He hopes this effort will be successful.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (6) to discuss the annual review of the County Manager, after a 5 minute recess. The motion was seconded by Commissioner Phillips and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (6) to discuss the annual review of the County Manager, closed session was entered into at 8:20 p.m. Present were Chairman Hawkins and Commissioners Chapman, Chappell, Hogsed and Phillips and the County Manager.

Commissioners met and discussed the annual performance of the County Manager.

Chairman Hawkins moved to leave closed session, seconded by Commissioner Chapman and unanimously carried.

OPEN SESSION

There was no new business to discuss and no other action was taken.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board