

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
October 8, 2012 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, October 8, 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: *The Transylvania Times* – Eric Crews

There were approximately 60 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

Gene Baker: Mr. Baker represented the Transylvania Genealogy Group. He reported that Volume III of the Heritage of Transylvania County is now available. It consists of 520 pages of the history of Transylvania County and includes personal stories told by the people and families of this County. Mr. Baker presented a copy to Commissioners. Preordered copies of the book will be distributed on Monday and Tuesday afternoon at Silvermont and Wednesday and Thursday morning at the Allison-Deaver House. There are extra copies available for purchase as well.

Valerie Naylor: Ms. Naylor represented the Friends of the Ecusta Trail which is a nonprofit organization with the mission of promoting the conversion of the inactive rail line between Brevard and Hendersonville to a recreational trail. The Friends of the Ecusta Trail has organized an event at a nearby similar rails-to-trails project in Traveler's Rest, South Carolina called the Swamp Rabbit Trail. The event will provide an opportunity to look at a rails-to-trails conversion and learn about the benefits it has had on the community and the process people went through to create the trail. Ms. Naylor invited Commissioners to attend the event next Saturday, October 13. She hopes Commissioners will see the positive economic impact the Swamp Rabbit Trail has had on the area.

AGENDA MODIFICATIONS

There were no agenda modifications.

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

CONSENT AGENDA

Commissioner Chapman 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 September 10, 2012 regular meeting, the September 24, 2012 joint meeting with the Planning Board, and the September 26, 2012 Secondary Roads meeting with officials from the NC Department of Transportation were approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for August 2012 was approved. Total tax dollars released was \$6,111.24. Refunds totaled \$155.95.

WESTERN HIGHLANDS NETWORK FISCAL MONITORING REPORT

The fourth quarter Fiscal Monitoring Report from Western Highlands Network was accepted.

PRESENTATIONS/RECOGNITIONS

ANNUAL REPORT BY DEPARTMENT OF SOCIAL SERVICES & NEW ADVENTURE LEARNING CENTER

Social Services Director Stoney Blevins introduced the staff of the Social Services Department and New Adventure Learning Center and the members of the Social Services Board in attendance and then gave an update on what these departments do. The Social Services Department provides three primary services. One is financial assistance which includes typical public assistance programs such as food and nutrition services, Medicaid, special assistance for seniors, adult day care, etc. The second area is social support services that include adult protective services, child protective services, guardianship, and adoption. Third, the Social Services Department does a great deal of facility services where they monitor adult care homes to make sure they are in compliance and that the residents are safe. They also monitor family care homes and adult day care, and provide foster care licensing. Social Services staff provides services to both adults and children, and primarily families with children.

Below are some statistics regarding services provided by the Social Services Department during FY 2011-2012:

- 4,363 individuals or households were receiving Medicaid assistance as of June 30, 2012
- 10,094 medically necessary one-way trips were arranged or provided for through the Medicaid Transportation Program
- 2,694 households were receiving Food and Nutrition Services as of June 30, 2012
- 1,830 crisis situations were assessed and \$370,495 in emergency funds were distributed to benefit citizens
- \$928,998 dollars of child care subsidy was provided to benefit 333 children. The primary purpose of child care subsidy is to support parents' employment
- Served as legal guardian for 10 adults
- 372 reports of potential child abuse / neglect were assessed; 212 children were found to have been abused or neglected
- 55 children were served through the foster care program

- 83 children were served through New Adventure Learning Center, with 22 of these children receiving services for developmental disabilities through a partnership with Transylvania County Schools

Staff members and one young person read stories about the people served by the Department of Social Services.

In response to a question from Commissioner Chapman, Mr. Blevins reported that the budget for the department is approximately \$4.6 million. Commissioners thanked Mr. Blevins and his staff for the work they do to help people in need in this community.

APPOINTMENTS

JOINT HISTORIC PRESERVATION COMMISSION

There is one vacancy on the Joint Historic Preservation Commission. There are two applications on file. The Clerk advertised for the vacancy in July and September. One applicant already serves on the Economic Development Advisory Board. The other application came as a result of the advertisement.

Commissioner Chappell nominated and moved to appoint Gene Baker to fill the vacancy on the Joint Historic Preservation Commission with his initial term to expire May 2015. The motion was seconded by Commissioner Chapman and unanimously approved.

HUMAN RELATIONS COUNCIL

There are three vacancies on the Human Relations Council due to recent resignations. The Clerk advertised in July and September and received one application.

Commissioner Chappell moved to appoint Suzie Brown to fill one of the vacancies on the Human Relations Council, seconded by Commissioner Phillips and unanimously approved.

TOURISM DEVELOPMENT AUTHORITY

The terms of Kristy Harris (accommodations representative), Mike Hawkins (serves at the pleasure of the County Commissioners), and Gordon Strayhorn (interested individual) expire at the end of October. All are eligible and willing to serve another term.

Commissioner Phillips moved to reappoint Kristy Harris and Gordon Strayhorn to another term and to delay the County Commissioner appointment until December. The motion was seconded by Commissioner Chappell and unanimously approved.

OLD BUSINESS

ECONOMIC DEVELOPMENT STUDY AND REPORT FROM THE CHAMBER'S ECONOMIC DEVELOPMENT STUDY GROUP

In April, the Board of Commissioners gave approval for developing a process to examine economic development in the County. Commissioners asked the Chamber's economic development study group to facilitate this process. A public meeting was held on May 17, 2012 at which there was discussion on the need for economic planning for the 21st Century. The Chamber's economic development study group met several times and subsequently issued a request for proposal to hire a firm to analyze the County's economic development strategy and make suggestions and recommendations. The group received 10 responses from the request for proposals. The group decided to interview four of the firms and recommended engaging J. Goldsmith & Company to provide suggestions for ways to capture new investment, create new and sustainable jobs, and provide specific strategies for ways to raise community

awareness and support for economic development within the community. The group also recommended allocating \$30,000 for the project.

Ed Coye served as the chairman of the Chamber's economic development study group but was unable to attend this meeting. Frank Porter also served as a member of the Chamber's economic development study group. He is the general manager of Comporium. Mr. Porter asked Commissioners to accept the recommendation to approve J. Goldsmith & Company as a consultant to give the County a comprehensive strategy to improve the economic development of the County in order to create good, sustainable jobs. He reported that a subgroup of the study group interviewed Ms. Goldsmith and they found her to be very impressive and said she stood out from the other firms. The recommendation to engage her services was a unanimous decision by the group. Mr. Porter reported that Ms. Goldsmith intends to help the County decide what it wants, will perform an objective third party investigation of the weaknesses and strengths of this County, will hold education forums about economic development, and deliver a strategic plan to implement some of the things she recommends with specific tasks the County needs to do.

Mr. Porter reported that a project team will be formed to work with Commissioners. If Commissioners approve moving forward with hiring the consultant, the project team is ready to go to work. The project team is a good representation of the County. Mr. Porter said hiring the consultant is just the beginning of this process and that there is a lot of work to do from here. As far as the timeline for getting a report back from the consultant, Mr. Porter said Ms. Goldsmith is ready to start now. He feels strongly she can complete the analysis of the County's strengths and weaknesses very quickly. She wants to meet with the community's leaders. The rest of her work will begin in early 2013 and should be complete within the first quarter of 2013. She will be working closely with the project team who will in turn work closely with the Commissioners' liaison.

Commissioner Chappell said one of his previous concerns was that Commissioners did not know what they were going to get out of hiring a consultant. However, he said if Ms. Goldsmith is able to accomplish some things in this County based on her experience, this would hugely impact the County. Mr. Porter said there are many people and entities working on economic development but there needs to be more coordination among the groups. Commissioner Chappell added that this process and timeline matches up well with the direction just given to the Planning Board.

Commissioner Chapman said he is ready to move forward with this process because the community is demanding that the County do something to improve the economy of this community and get jobs here. Ms. Goldsmith has a great background and she knows what a community has to do to attract business. Commissioner Chapman asked Commissioners to keep in mind that her report will come at the beginning of the next budget process and it will be important to know how much money the County will need to set aside to begin accomplishing the goals.

Commissioner Chapman moved to engage J. Goldsmith & Company to analyze the current economic development structure and make suggestions for enhancing efforts and to work with the County on specific action plans for future economic growth, allocate \$30,000 for the project, and ask Commissioner Chapman to be the liaison between the Board of Commissioners and the project team, with the funds to come from Fund Balance. The motion was seconded by Commissioner Chappell. Commissioner Phillips asked the economic development study group if they contacted Ms. Goldsmith's references. Mr. Porter said he was unaware of any references that were checked directly. Commissioner Phillips said it would have been reasonable to expect the group to contact the businesses that received her services. Mr. Porter noted that Clark Gillespy, Vice President of Economic Development at Duke Energy, spoke at a recent Brevard City Council meeting and he was very complimentary and enthusiastic of Ms. Goldsmith. His comments were unsolicited. Commissioner

Phillips preferred that her references are checked prior to moving forward this evening because it is Commissioners that must answer to the public. Commissioner Hogsed said he does not want to stand in the way of moving forward; however he agreed that time should be given to checking her references, particularly because taxpayer dollars are being spent on this process. Commissioner Chapman commented that he is confident in the work done by the study group and is ready to move forward. He does not believe the Board will gain anything more by delaying the decision. Chairman Hawkins said this is something very positive for the community and he thinks it is important that the County get off on the right foot with this. It is also important for Commissioners to be comfortable with moving forward with this process because this is a fundamental change in terms of how the County will look at economic development. He said part of getting off on the right foot is having a unanimous vote for moving forward. **Commissioner Chapman was not amenable to withdrawing his motion. Commissioner Chappell withdrew his second, therefore the motion died for a lack of a second.**

Commissioner Chappell moved to table the decision on this item and take action at the next meeting. The motion was seconded by Commissioner Phillips. Commissioner Phillips said he is willing to work with another Commissioner to check these references. Commissioner Chappell believes Ms. Goldsmith's references will be stellar but said the references should be checked nonetheless. Commissioner Chapman was bothered that Commissioners are questioning the study group that spent many hours and lots of effort on this process. He believes delaying the decision sends a bad message to the study group and citizens. Chairman Hawkins said he is willing to move forward now; but it is important the Commissioners vote unanimously to move forward. **The motion passed by a vote of 4 to 1, with Commissioner Chapman voting against.**

NEW BUSINESS

APPROVAL OF APPLICATION FOR LOTTERY FUNDS

In order to draw down lottery funds, both the Board of Commissioners and Board of Education must approve and jointly request the monies via a lottery application. The request is for the drawdown of \$244,262 for the renovation of the Career and Technical Education Building at Rosman High School. If approved, the remaining balance would be \$563,723.02. The Board of Education is holding an open house on Wednesday from 3:00 p.m. to 5:00 p.m.

Commissioner Chappell moved to approve the request to draw down \$244,262 in lottery funds for the CTE renovation, seconded by Commissioner Phillips and unanimously approved.

REQUEST FROM SILVERMONT STRATEGIC PLAN GROUP FOR PRESERVATION PLAN AND A SURVEY OF SILVERMONT

The Silvermont Strategic Planning Group consists of 17 members. The group had their first meeting in January of this year and has met 17 times since then to conduct surveys of the buildings, grounds, recreational facilities, and activities held at Silvermont. Based on the surveys and observations, the group came to the conclusion that they need expert advice on the historic condition of the Silvermont Mansion and a survey of the property which will help them understand the following:

1. What exists, the physical condition, what repairs are needed, how to do them in a historically respectful way
2. Determine what is significant about the property and what should be preserved and which repairs have been in keeping with the historical significance and which have not
3. Learn the condition of infrastructure and building systems
4. Establish preservation goals and design a conservation and schematic plan for building rehabilitation with costs and estimates
5. Design a long term maintenance plan

6. Have a survey to clarify the boundary lines (there is no recorded survey of the Silvermont property)

The Silvermont Strategic Planning Group requested that the Board of Commissioners approve \$22,550 for the development of a preservation plan and survey. The FY 2013 Budget has allocated \$30,000 from the Silvermont reserve to cover maintenance items and other needs. If other maintenance funds are needed above the requested amount, staff will bring back a proposal to Commissioners.

Frank Porter of Comporium has been working with this group. He said the Silversteen family moved into the Silvermont Mansion in 1917, so the mansion's 100th anniversary is approaching in 2017. The Group feels a public/private partnership can turn the property into a flagship location for people from all over the country to experience.

The Silvermont Strategic Planning Group would like to engage the services of Harris Architects.

Commissioner Chapman moved to authorize \$22,550 to be used for the development of a preservation plan and survey of the Silvermont property. The motion was seconded by Commissioner Hogsed. Commissioner Chapman commented that the Silvermont Mansion is an asset to the community and it is going to take a lot to restore if it is going to be fully utilized. Chairman Hawkins asked some questions of Ellen Harris with Harris Architects. He asked if the Group is looking at renovating and finding uses for the renovated space or renovating because of projected usage. Ms. Harris said Harris Architects plans to look at the facility in terms of rehabilitation, which is different from restoration and renovation. Rehabilitation is where the most historically significant pieces are protected for the future and changes for a new use are considered. Ms. Harris said this is one of areas Harris Architects needs to discuss in more detail with the County and the committee to determine how the mansion can be used. She noted there are code issues and other issues as well. After further comments, **the motion was unanimously approved.**

ADOPTION OF NEW COMMUNITY DEVELOPMENT BLOCK GRANT PLANS AND REPORTS ON BEHALF OF THE 2011 SCATTERED SITE HOUSING PROJECT AND FUTURE COMMUNITY DEVELOPMENT BLOCK GRANTS EFFECTIVE FROM OCTOBER 2012-OCTOBER 2015

The County must have in place certain plans and policies in order to receive Community Development Block Grant funding. The County has made application for a \$400,000 Scattered Site Housing Grant and new policies and plans must be adopted if the funds are to be utilized. Previous Boards of Commissioners have adopted such plans and policies in the past.

Alicia Broadway with Benchmark CMR, Inc. was in attendance. Benchmark CMR, Inc. will administer the grant. Ms. Broadway thanked the County for allowing Benchmark CMR, Inc. to administer the grant once again. She reported there are new rules with this grant cycle in that the County can adopt one set of policies and those basic policies can be used for future Community Development Block Grants through October 2015. Only the project budget ordinance will change for each project.

In response to a question from Commissioner Phillips, Ms. Broadway reported that the funding for this grant comes from the North Carolina Department of Commerce, Division of Community Investment and Assistance. The monies come directly from the US Department of Housing and Urban Development to the states. Counties apply for monies through the state. Ultimately these funds are taxpayer dollars.

Commissioner Phillips said these are projects completed on people's homes that could and should be done by the communities that they live in, or by their churches, rather than by taxpayer dollars. Commissioner Phillips does believe it is the role of government to make repairs to his or anyone else's home. He likens this and fair housing practices to income redistribution. Commissioner Phillips

encouraged Commissioners to decline accepting this grant and urge counties across the State to do so as well. Commissioner Phillips pointed out that he is not insensitive to what these funds attempt to do for people; however there are organizations in the community that can do the same without the use of taxpayer funds. He said he will not support this funding.

Commissioner Chapman expressed concern that the County may not have the staff to oversee this project. The Manager informed Commissioners that the County will be working closely with Benchmark CMR, Inc. to provide more oversight over the project. He said these monies help people in the community. In the last cycle, 12 homes received either rehabilitation or emergency repairs. The Manager said if the County does not accept the grant funds, they will be given to another county in the State.

Commissioner Chappell noted there should be a change on one of the forms correctly identifying the Employment Security Commission. The Clerk will make the correction.

Commissioner Hogsed moved to approve the following:

- 1. Resolution 44-12 Community Development Block Grant Programs**
- 2. Resolution 45-12 Fair Housing**
- 3. Resolution 46-12 Authorizing the County Manager and the Director of Planning and Economic Development to Sign Required CI Reports and Documents**
- 4. 2011 CDBG Scattered Site Housing Grant Project Budget Ordinance**

The motion was seconded by Commissioner Chapman. Commissioner Hogsed said he has known citizens that have benefited from these grant funds and how desperately they needed the assistance. Unfortunately it was a service that the community was not providing. Commissioner Hogsed also said this is a program that makes an investment in the community and also local contractors are sometimes used to do the work. Commissioner Chapman agreed with Commissioner Phillips' comments but said he does not believe change can occur at the local level with regards to these types of grants. **The motion passed by a vote of 4 to 1, with Commissioner Phillips voting against.**

(Resolution 44-12 Community Development Block Grant Programs, Resolution 45-12 Fair Housing, Resolution 46-12 Authorizing the County Manager and the Director of Planning and Economic Development to Sign Required CI Reports and Documents, and 2011 CDBG Scattered Site Housing Grant Project Budget Ordinance are hereby incorporated by reference and made a part of these minutes.)

ADVERTISEMENT FOR COUNTY LEGAL SERVICES

David Neumann has given the County notice that he plans to downsize his firm and will no longer be the County Attorney effective December 3, 2012. Mr. Neumann and his associates have handled the County's legal issues for 20 years. In order to proceed with legal representation the Manager requested permission to issue a request for qualifications for legal services. He proposed advertising for a legal firm in the month of October. The deadline for submitting qualifications is November 9, 2012. Once information is received, the Manager will disseminate the information to the Board with the appointment of the new attorney being during the organizational meeting on December 3, 2012. The Manager noted that Mr. Neumann has agreed to remain as the County's attorney if no responses are received and will remain so while the County searches for his replacement.

The financial impact is unknown at this time. During the process, staff will request information from each responder about their retainer fee and the rate of hourly rate.

In response to a question from Commissioner Chappell, the Manager stated that firms are not required to submit qualifications. The County Attorney is appointed by the Board of Commissioners. The purpose of this process is to get information from local firms and gauge the interest of local attorneys.

Commissioner Hogsed moved to authorize staff to issue a request for qualifications for legal services, acting in the position of Transylvania County Attorney. The motion was seconded by Commissioner Chapman and unanimously approved.

The Manager reported that the second meeting in October will be Attorney Curtis Potter's last meeting. He is relocating to the Raleigh area.

APPROVAL OF THE SECONDARY ROAD IMPROVEMENT PROGRAM FOR FY 2013

Commissioners met with officials from the NC Department of Transportation (NCDOT) Division 14 office on September 26, 2012 where the FY 2013 Secondary Road Improvement Program was presented. There were three citizens in attendance and none of them brought forth any issues for Commissioners or the NCDOT to consider.

There is a balance remaining of \$2.872 million from prior year projects. Prior year projects are estimated to cost \$2.791 million. The dollars remaining will be carried forward to FY 2013 for a total allocation of \$376,271.

Commissioners are required to pass a resolution annually approving the Secondary Road Improvement Program for the ensuing year.

Commissioner Chappell moved to approve Resolution 43-12 Approving the Proposed Secondary Road Improvement Program for Transylvania County for FY 2013, seconded by Commissioner Phillip and unanimously approved.

(Resolution 43-12 Approving the Proposed Secondary Road Improvement Program for Transylvania County for FY 2013 is hereby incorporated by reference and made a part of these minutes.)

BUDGET AMENDMENTS

Finance Director Gay Poor presented the following budget amendments for the Board's approval:

- #17. To record receipt of additional \$5,000 in Burroughs Wellcome Grant funds to be received by the County's Cooperative Extension Agency in FY 2013
- #18. To carry forward \$3,000 in funds appropriated in FY 2012 for the update to Economic Development's website, which was not completed until FY 2013
- #19. To appropriate \$2,100 in funds from the fund balance assigned for the Sesquicentennial Celebration for the legacy portion of the project, including \$1,500 for scrap books and \$600 for development of a new County flag
- #20. To record receipt of a \$2,402 HAVA Grant for the Board of Elections to make voting sites easier to access
- #21: To appropriate \$1,688 in funds to cover the 1.2% raise in salaries and fringes given to Cooperative Extension Agency employees by the State
- #22: To appropriate \$1,000 in fund balance restricted by SHIP for administrative purposes and to transfer those funds from Cooperative Extension to Finance
- #23: To record receipt by the Health Department of a grant of approximately \$20,000 from the Division of Public Health to reimburse the County for expenditures incurred for the Community Transformation Project
- #24. To record receipt by the Health Department of a grant for \$5,000 from GlaxoSmith Kline to recognize the accomplishments of the Healthy Smiles program
- #25. To appropriate \$50,000 of the surplus realized in the Occupancy Tax Fund FY 2012 from fund balance to Contingency

If approved, these budget amendments will increase the FY 2013 General Fund Balance by \$40,190 to a total of \$40,256,039 and the Occupancy Tax Fund by \$50,000 to a total of \$515,700.

Commissioner Phillips moved to approve the budget amendments, seconded by Commissioner Chappell and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- New Animal Shelter- piping for the plumbing is currently being installed so the floor can be poured; met with Kearey Builders regarding submittals in order to not hold up the project; Town of Rosman has installed a sewer line under the old Rosman Highway and set a man hole.
- Plans for the renovations of the Courthouse are now complete and staff will be issuing a request for proposal this week; the building must meet certain ADA requirements; goal is to seek permission to proceed in November.
- Last week met with John Hanselman and NC Department of Transportation officials to discuss the Davidson River Village Connector Road; it was a productive meeting; Mr. Hanselman intends to discuss options with Prudential; Transportation officials recognize the need for the road which will hopefully jumpstart the program.
- Western Highlands LME/MCO- The consulting firm has been on site for two weeks and initial findings are that the PMPM (per month per person) rate is too low; LME Board has agreed to an increased rate beginning January 1, 2013 and has requested the rate be retroactive to July 1, 2012; if not acceptable, the Board has requested a meeting with officials in Raleigh to discuss the issue; the key is to ensure services are being provided to citizens.
- The Annual Meeting of the Land-of-Sky Regional Council is scheduled for October 10, 2012; Director Joe McKinney will be recognized at the meeting; he has accepted another job in Washington, DC.
- The State has made changes to Emergency Management laws; the County will need to change its ordinance to comply with the State law changes and will bring those forth for approval at a meeting in the near future
- Reminded Commissioners of the open house at the Career and Technical Education building at Rosman High School on Wednesday afternoon

Chairman Hawkins reported that the Manager will be meeting with Transportation officials this week regarding a potential safety issue near Rosman. The Manager has been working with Town officials on the possibility of another access off Highway 64 West and about some dangerous areas where guard rails have been installed too close to the highway causing serious dangers for pedestrians.

PUBLIC COMMENT

Chris Lewis: Mr. Lewis made some general observations about economic development in the County. He said he was encouraged by the report from the study group and believes their recommendation to hire a consultant is a good recommendation. Mr. Lewis pointed out that \$4.6 million is spent on social services in this County and that \$30,000 is not going to be enough money to do what needs to be done for economic development in Transylvania County.

COMMISSIONERS' COMMENTS

Commissioner Chapman commented about a recent letter to the newspaper regarding the City's new ordinance allowing chickens within City limits. He noted that the City's ordinance does not allow

citizens to own roosters and wondered how this might affect the County's animal control services should there be a violation of the ordinance and roosters have to be confiscated.

Commissioner Phillips said he would like for Commissioners to give some thought to creating a committee similar to the Community Appearance Advisory Board that would potentially be made up of retired builders, carpenters and various others that could help people in need in this community with regards to home repairs. It would be his hope that something of this nature would take the place of grants like the one discussed earlier in the meeting.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board