

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**November 13, 2012 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Tuesday, November 13, 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 35 people in the audience.

**CALL TO ORDER**

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

**WELCOME**

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

**PUBLIC COMMENT**

There were no comments from the public.

**AGENDA MODIFICATIONS**

The Manager reported on the agenda modifications. He requested to remove Item A. Emergency Management Ordinance/Emergency Operations Plan under New Business. All of the changes were not noted in the ordinance. Staff will note the changes and forward to the Board for the next meeting.

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

**CONSENT AGENDA**

**Commissioner Chapman moved to approve the Consent Agenda as submitted, seconded by Commissioner Hogsed and unanimously approved.**

The following items were approved:

MINUTES

The minutes of the October 22, 2012 regular meeting were approved.

FACILITIES USE REQUESTS

The use of the Courthouse lawn and gazebo by the Salvation Army for the kick off of the 2012 Red Kettle Campaign for November 15, 2012 from 11:45 a.m. to 1:00 p.m. was approved.

The use of the Courthouse lawn and gazebo by the Sharing House for a food drive on November 17, 2012 from 7:00 a.m. to 5:00 p.m. was approved.

CLOSING OF COUNTY OFFICES FOR COUNTY EMPLOYEE CHRISTMAS AND AWARDS LUNCHEON

Commissioners approved the closing of County offices for the County Employee Christmas and Awards Luncheon on December 7, 2012 from 12:30 p.m. to 5:00 p.m. Staff will properly advertise and post notices for the public.

**PRESENTATIONS/RECOGNITIONS**

RESOLUTION IN RECOGNITION OF THE TRANSYLVANIA YOUTH COUNCIL

Parks and Recreation Director Rick Pangle reported that the Transylvania Youth Council was formed in 1987 with a core group of about 15 students. Three of those students are now employed with the Parks and Recreation Department. The Transylvania Youth Council has grown into one of the largest youth organizations in North Carolina with over 275 students and is the only non-profit Youth Council in the State. This year marks their 25<sup>th</sup> anniversary as an organization. Chad Owenby leads the Youth Council. He introduced the Youth Council officers in attendance and they informed Commissioners about some of the events and activities they are involved in to benefit the community. Mr. Owenby reported that as a group, members put in approximately 3,000 community service hours annually. Commissioners recognized the Transylvania Youth Council and commended its members for their work in the community.

**Commissioner Hogsed moved to approve Resolution 51-12 In Recognition of the Transylvania Youth Council, seconded by Commissioner Phillips and unanimously approved.**

(Resolution 51-12 In Recognition of the Transylvania Youth Council is hereby incorporated by reference and made a part of these minutes.)

RESOLUTION IN RECOGNITION OF SCOTT T. JOHNSON

Scott Johnson has been an employee of Transylvania County Emergency Medical Services (EMS) since April 1982 where he has served in various capacities. Mr. Johnson is the first EMS employee that has retired from the County with 30 years of service. Commissioners, along with Emergency Management Director David McNeill, recognized Mr. Johnson for his service to the citizens of Transylvania County and wished him the best in his retirement. Mr. Johnson thanked Commissioners for this recognition.

**Commissioner Chappell moved to approve Resolution 50-12 In Recognition of Scott T. Johnson, seconded by Commissioner Phillips and unanimously approved.**

(Resolution 50-12 In Recognition of Scott T. Johnson is hereby incorporated by reference and made a part of these minutes.)

PROCLAMATION THE SALVATION ARMY RED KETTLE DAY IN TRANSYLVANIA COUNTY

The Transylvania County Unit of the Salvation Army will hold its Red Kettle Kickoff on November 15, 2012 on the Courthouse lawn from 11:45 a.m. to 1:00 p.m. On this day The Salvation Army will begin its mission to collect donations to aid needy families, seniors and the homeless in Transylvania County. Commissioners have passed similar resolutions proclaiming Red Kettle Day in past years. Human Resources Director Sheila Cozart accepted the proclamation on behalf of the Salvation Army because she serves on the Board of Directors.

**Commissioner Hogsed moved to approve Proclamation 49-12 The Salvation Army Red Kettle Day in Transylvania County, seconded by Commissioner Chapman and unanimously approved.**

(Proclamation 49-12 The Salvation Army Red Kettle Day in Transylvania County is hereby incorporated by reference and made a part of these minutes.)

**NEW BUSINESS**

**RESOLUTION AUTHORIZING CONTINUED PARTICIPATION IN THE LAND-OF-SKY RURAL PLANNING ORGANIZATION (RPO) AND PARTICIPATION AS AN EX-OFFICIO NON-VOTING MEMBER OF THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION (MPO)**

The Land-of-Sky Rural Planning Organization (RPO) and French Broad River Metropolitan Planning Organization (MPO) were formed to help counties and communities organize their transportation needs. The 2010 Census resulted in a small portion of Transylvania County near Etowah being included in the MPO. The County has no choice of whether or not this small portion is included in the MPO but can decide whether to include the entire small census block or only the small portion reflected on the map. The recommendation from the MPO is to include the entire block group in its planning area.

The Manager feels the bigger issue is whether the County should remain in the RPO or become part of the MPO. Current member governments of the RPO include Buncombe, Haywood, Madison, and Transylvania Counties and the municipalities of Brevard, Hot Springs, Marshall, Mars Hill and Rosman. Transylvania County has the largest land mass in the RPO since the other counties have significant portions that are included in the MPO. By being a member of the RPO, Transylvania County and its municipalities benefit from the planning assistance and funding opportunities available through RPO membership. If Transylvania County were to become part of the MPO it would be competing for funding with the City of Asheville, Hendersonville, and a large portion of Buncombe, Henderson and Haywood Counties. Without being part of the RPO the following projects would be competing against MPO projects and would likely be delayed or cancelled: NC 215, US 64 By-Pass, Davidson River Village Connector Road, the Brevard West Loop, and US 178.

The Manager offered the following options for Commissioners to consider and discussed the pros and cons of each option:

1. County remains part of the RPO and does not serve as an ex-officio non-voting member of the MPO
  - Pros:
    - Transylvania County has significant influence on the advocacy for transportation projects in Transylvania County since it is not competing against projects in the MPO
    - Staff does not have to attend MPO meetings
  - Cons:
    - Transylvania County is not eligible for funding that might come from the MPO
  
2. County remains part of the RPO but serves as an ex-officio non-voting member of the MPO
  - Pros:
    - Transylvania County has significant influence on the advocacy for transportation projects in Transylvania County since it is not competing against projects in the MPO
    - The County has a seat at the table and knows what is going on
  - Cons:
    - Staff is expected to attend the MPO meetings

### 3. County joins the MPO

#### Pros:

- Staff would have to attend only one transportation meeting
- County would have access to urban transit funds (requires a local match)
- County would have a vote on projects rather than being an ex-officio member

#### Cons:

- The RPO would more than likely fall below the current guidelines which would mean the region would lose transportation planning funds and prioritization points which are used by the NC Department of Transportation in its strategic prioritization process for the development of the State Transportation Improvement Plan
- County would now be competing for projects in a bigger arena
- County would pay dues to the MPO

The Board of Commissioners may elect annually to change the status of being in the RPO or MPO if circumstances change which would benefit the County. The Manager recommended that Transylvania County remain in the RPO, especially given the road projects that are pending, and become an ex-officio non-voting member of the MPO. The Manager noted that Buncombe County would like to remain in the RPO because it has been able to get funding for projects that more than likely would not have been funded through the MPO.

The Manager pointed out that the County will not be forced to join the MPO in the future. The small area that is moving into the MPO is doing so as a result of the 2010 Census. As a result of the move to the MPO, storm water control will have to be enforced in this area; otherwise all other decisions are made by the Board of Commissioners.

**Commissioner Chappell moved to approve Resolution 53-12 which authorizes Transylvania County to remain a member of the Land-of-Sky Rural Planning Organization, authorizes Transylvania County to become an ex-officio non-voting member of the French Broad River Metropolitan Planning Organization, and allows Block Group 1 in Census Tract 960100 (including blocks # 1000-1067) to be included in the MPO. The motion was seconded by Commissioner Phillips.** Chairman Hawkins commented that by having a voice in the MPO, there may be some opportunities to come about for the City of Brevard. **The motion was unanimously approved.**

(Resolution 53-12 Authorizing Continued Participation in the Land-of-Sky Rural Planning Organization {RPO} and Participation as an Ex-Officio Non-Voting Member of the French Broad River Metropolitan Planning Organization {MPO} is hereby incorporated by reference and made a part of these minutes.)

#### RECORDS RETENTION AND DISPOSTION SCHEDULE-REGISTER OF DEEDS

The North Carolina Department of Cultural Resources has revised the Records Retention and Disposition Schedule for the Register of Deeds office. In accordance with the provision of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records that do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified in the schedule are to be destroyed or otherwise disposed of by the agency or official having custody of them. The Records Retention Schedule for the Register of Deeds office must be approved by the Board of Commissioners. Register of Deeds Cindy Ownbey reported no major changes with the revised schedule.

Certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow these records to be destroyed when "administrative value ends." Transylvania County must agree that it will establish and enforce internal

policies setting minimum retention periods for records that Cultural Resources has scheduled with the disposition instruction “destroy when administrative value ends.” If the County does not establish internal policies and retention periods, it is not complying with the provisions of the retention schedule and is not authorized by the Department of Cultural Resources to destroy these records with the disposition instruction “destroy when administrative value ends”. Ms. Ownbey has agreed to set an internal policy in her office to destroy records whose “administrative value has ended” after six months.

**Commissioner Chappell moved to approve the Records Retention Schedule for the Register of Deeds office and set an internal policy to destroy records whose administrative value has ended after six months, seconded by Commissioner Phillips and unanimously approved.**

#### DEPARTMENT OF PUBLIC HEALTH BAD DEBT WRITE OFF FY 2010-2011

The Transylvania County Board of Health asked the Board of Commissioners to consider writing off bad debt totaling \$3,925.72. Most of the debt is associated with Women’s Health Services. There is no financial impact to the Health Department’s budget.

**Commissioner Chappell moved to approve the write off of bad debt totaling \$3,925.72 and, if eligible, referral to the NC Debt Setoff Program. The motion was seconded by Commissioner Chapman and unanimously approved.**

#### BUDGET AMENDMENTS

The Manager submitted the following budget amendments for approval:

1. #33. To budget for the receipt of a \$500 donation for the New Adventure Learning Center and to allocate it for operating supplies
2. #34. To carry forward \$9,900 approved in late FY 2012 for new software for Building Permitting that was not acquired prior to year-end
3. #35. To appropriate \$30 for a refund of DJJDP Temporary Shelter funds received but not spent in FY 2012

These budget amendments will increase the FY 2013 General Fund Balance by \$10,430, to a total of \$40,302,917.

**Commissioner Chapman moved to approve the budget amendments, seconded by Commissioner Hogsed and unanimously approved.**

#### MANAGER’S REPORT

The Manager reported the following:

1. New Animal Shelter- Work is progressing on the new shelter.
2. Requests for Proposal for the renovation of the Courthouse have been sent out. Bids were due back on November 8, 2012. Four contractors attended the pre-bid meeting and two submitted proposals. This item will be on the next agenda for approval.
3. Held a luncheon for County employees to recognize them for receiving the award for having the lowest number of recordable claims for a mid-size county of those counties participating in the NC Association of County Commissioners’ Risk Pool.
4. Recognized the Economic Business Award Winners for this year. The following businesses were recognized:  
*Manufacturer of the Year*-Tom Dempsey, Sylvan Sports  
*Entrepreneur of the Year*-Leigh Trapp & Tammy Hopkins, Hunger Games Fan Tours  
*Retailer/Service of the Year*- Randy and Ricky Austin, West Main Barber Shop  
*Chairman’s Choice*-Wes Dickson, Sycamore Cycles
5. The closed session minutes were reviewed and none can be opened at this time.

6. Visited the Henderson County Health Clinic along with Human Resources Director Sheila Cozart and Public Health Director Steve Smith. Staff continues to gather information regarding the County's current healthcare package versus others. Despite the changes implemented, Transylvania County's healthcare costs per employee remain considerably lower than surrounding counties.

Chairman Hawkins commented about the Business Award Winners. He said that since its inception, local business owners have been excited about this program. He thanked Commissioner Chappell who started this initiative a few years ago. Commissioner Chapman encouraged people to visit the West Main Barber Shop. He commented that this is the first new barber shop in downtown Brevard in 60+ years

Commissioner Chapman reported that he attended the recent "Pawction", a fundraiser for the new animal shelter. He thanked all those who participated and said he hopes future projects can occur through this same type of public/private partnership.

### PUBLIC COMMENT

There were no comments from the public.

### COMMISSIONERS' COMMENTS

Commissioner Chappell thanked everyone for the kindness they showed his family on the passing of his father-in-law. He also thanked all the candidates that ran for public office, commenting that those who run for office want good things for the community.

Commissioner Chapman also thanked the candidates that ran for public office and he congratulated all the winners. He said he looks forward to working with the new Board. He invited the public to attend the swearing in ceremony on December 3, 2012.

Commissioner Hogsed reported that the Veterans Day Ceremony was a success. He thanked the Honor Guard and all those who helped with the event. Commissioners thanked Commissioner Hogsed for planning the Veterans Day activities each year.

**Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (3) to consult with an Attorney (4) to discuss matters relating to location or expansion of industries or businesses, and (5) potential acquisition of real property, after a 5 minute recess. The motion was seconded by Commissioner Hogsed and unanimously carried.**

### CLOSED SESSION

Per NCGS 143-318.11 (a) (3) to consult with an Attorney (4) to discuss matters relating to location or expansion of industries or businesses, and (5) potential acquisition of real property, closed session was entered into at 8:07 p.m. Present were Chairman Hawkins, Commissioners Chapman, Chappell, Hogsed and Phillips, County Manager Artie Wilson, County Attorney David Neumann, and Clerk to the Board Trisha Hogan.

The Manager updated Commissioners on a potential economic development project. Commissioners consulted with the County Attorney and instructed staff on how to proceed.

**Commissioner Chappell moved to leave closed session, seconded by Commissioner Phillips and unanimously carried.**

**OPEN SESSION**

**Chairman Hawkins moved to seal the minutes of the closed session until such time that opening the minutes would not frustrate the purpose of the closed session. The motion was seconded by Commissioner Chappell and unanimously approved.**

**ADJOURNMENT**

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

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board