

**MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING – FEBRUARY 13, 2006**

The Board of Commissioners of Transylvania County met in regular session on Monday, February 13, 2006, at 7:00 p.m. in the large courtroom of the county courthouse, Chairman David Guice presiding. The meeting was called to order at 7:00 p.m. There were approximately 22 people in the audience.

Commissioners present were Chairman David Guice, Jason Chappell, Vice Chairman Jeff Duvall, Ray Miller and Kelvin Phillips.

Staff members present were Manager Artie Wilson, Attorneys David Neumann and Jeanne Hall, Finance Director Gay Poor, Planning and Economic Development Director Mark Burrows, County Planner Mike Thomas, Health Director Steve Smith, Personnel Director Sheila Cozart, Chief Deputy Jeff Hubbard, Tax Assessor David Reid and Clerk to Board Kimberly Conover.

Media: *Transylvania Times* – Stephen Sacco

INVOCATION

Chairman Guice offered a prayer and Commissioner Chappell led the Pledge of Allegiance.

PUBLIC COMMENT (sign-in required)

Mr. James Keenan commented that he had attended the January 23rd commissioners' meeting and he wanted a status report on the real estate matter (location or expansion of industries) discussed in closed session. However, because the matter was still ongoing, no comment could be made.

AGENDA MODIFICATIONS

There were no agenda modifications requested.

Upon motion duly made by Commissioner Miller, seconded by Commissioner Duvall, the agenda was approved as presented.

CONSENT AGENDA

Commissioner Chappell moved to approve the consent agenda as submitted, seconded by Commissioner Miller and approved unanimously.

The following items were approved:

APPROVAL OF MINUTES: Minutes from the January 23, 2006 special meeting with the North Carolina Department of Transportation regarding the FY 2006 secondary road program were approved as submitted.

FACILITIES USE REQUESTS: Commissioners approved the following requests:

- Silvermont on July 8, 2006 by The American Association of University Women to host an annual Appreciation Picnic after its fundraiser to raise funds for local scholarships. Their request for a waiver of fees was approved.
- The gazebo by the Transylvania County Heritage Center to hold its annual old time street dances on July 11, 18, 25, August 1, 8, 15, 22 & 29, 2006.

- The gazebo and courthouse lawn by WSQL Radio on Saturday evenings in June, July and August, 2006.

PRESENTATIONS

COMMUNITY ASSESSMENT SURVEY

Health Director Steve Smith presented the 2005 Community Health and Human Services Assessment Survey to the board of commissioners. The Land of Waterfalls Partnership for Health was established in 1999 and is composed of community agencies and individuals dedicated to making Transylvania County a healthier place to live. Board representatives include Health and Social Service agencies, education, county government and members of the faith community. This project has been ongoing for a year and a half.

Accomplishments of the Healthy Carolinians Coalition include 1) support and funding for Volunteers in Medicine and prescription assistance, 2) support and funding for the Brevard bike path and the county elementary schools' tracks, and 3) fresh produce being distributed to low income families.

The purpose of the Community Assessment Survey is to answer such key questions as:

- What health and human service concerns do community members have?
- What do we need in the community to address these concerns?
- What priorities will the Partnership focus on over the next four years?
- What information will community agencies need to plan new services and improve existing services?

In order to answer these questions, the group sent a targeted written survey to 180 community leaders and a written survey to 141 county citizens in 2005. They held listening sessions with 110 people in 12 community groups, as well as conducted informal personal interviews with 15 community leaders. In addition, they analyzed secondary data statistics.

The survey's analysis shows the following trends:

- There has been a low growth rate in population
- The projection of citizens aged 65 and older in 2010 is conservatively 25%, and anticipated to be even as high as 30%+. Between 1980 and 2000, the population aged 65 and older increased 113%. In 2000, 21.4% of the total population was 65 or older compared to 12% state-wide.
- 200% of Federal Poverty Level (FPL) in 2000 was 27.1%, which was down from 33.7% in 1990.
- The annual living income standard for a four-person household is \$39,516
- The annual living income standard as a percentage of FPL is 212%
- As far as health care access, in 1999 access was 15.9% increasing to 18.5% in 2004. This represents 5,550 Transylvania County residents. Part of this increase is due to the loss of manufacturing jobs.
- From 1981 to 2003, manufacturing jobs declined by 87% (4,610 to 585). During the same time, however, service and retail jobs have increased 35%. The effect of this change has resulted in lower wages and reduced or no benefits.
- Because there has been no increase in the minimum wage since 1997, there is declining real wages among low income workers. Listening sessions revealed that adult wage earners have had to move away to get better paying jobs or both spouses have had to work two jobs to maintain their standard of living.

Listening sessions have given us insight into some concerns in our community:

- Access to mental health services: Mental health reform has created confusion regarding access to mental health care, mental health crisis services, and availability of inpatient psychiatric care.
- Dental care: 18.6 % of kindergarten students entering school have untreated tooth decay. 8,556 county citizens need improved access to dental care.
- Affordable housing: High land and construction costs related to topography and limited supply of developable land, and the lack of public water and sewer to developable sites are barriers to affordable housing.
- Transportation: Some citizens expressed a feeling of isolation from services. Seniors and rural residents indicate a problem accessing health care and other community services. There are concerns about the lack of sidewalks and safe bikeways.
- These issues are countywide issues, but census data indicates that some townships are disproportionately affected. Many of the solutions will require a local collaborative effort.

The top rated health and human services issues were:

- Cost of health insurance and access to health care
- Affordable prescription medication
- Unemployment/underemployment
- Drug and alcohol abuse and methamphetamine abuse
- Affordable housing
- Domestic violence
- Tobacco use
- Access to mental health services
- Access to dental care
- Senior care
- Transportation

Manager Wilson added that Social Services Director Carson Griffin, Steve Smith, Health Director, and other staff have reviewed the assessment and are in the process of identifying types of programs to initiate in order to reduce citizen concerns.

OLD BUSINESS

BUDGET AMENDMENTS AND TRANSFERS FOR THE FIRST AND SECOND QUARTERS OF FY 2006

Finance Director Gay Poor presented the budget transfers and amendments for the first and second quarters of FY 2005-06 (attachment as part of these minutes). She reported that the general fund budget increased by \$2,259,582, the majority of which (\$2,068,497) was attributed to the appropriation of funds for the acquisition of property for the new law enforcement center. These were funds that had been reserved in the general fund balance for this purpose. There was approximately \$92,000 rolled over from the prior year for projects or purchases approved during FY 2005 but not completed until FY 2006. In addition, expenditures paid for by non-local funds accounted for almost \$83,000. New grants and changes to state and federal funding amount to \$48,000. Social Service received an additional \$15,000 in Crisis Intervention Program funds and \$10,000 in Medicare D grants.

Commissioner Chappell made a motion to approve the FY 2006 first and second quarter budget transfers and amendments as presented, seconded by Commissioner Phillips and unanimously carried.

UPDATE ON PRESCRIPTION DISCOUNT SAVINGS

In November, Transylvania County began participating in the National Association of County Commissioners' prescription discount card program. Personnel Director Sheila Cozart gave an update to commissioners on the results of the first two months' activity in Transylvania County (attachment as part of these minutes). This program became effective on November 1, 2005, and the total savings on 909 prescriptions for the months of November and December was \$6,218.33. This equates to \$6.79, or 15%, average savings per prescription. There were 349 residents that took advantage of the savings offered with this program.

The distribution points were the county administration building, department of social services, county health department, Appalachian Counseling, Transylvania Community Hospital, Medical Associates of Transylvania, Volunteers in Medicine, Brevard Family Practice and Dr. Paul Duvall's office.

Commissioner Duvall pointed out that while most people are pleased with the program, they might not be getting enough information when they pick up the cards. They need to understand that they will not receive a discount on their co-pay portion.

On behalf of the board of commissioners, the chairman expressed his appreciation to Mrs. Cozart for her hard work to make this happen for the citizens of the county.

Following the presentation, Mrs. Cozart Sheila reported that the final results of the actuarial study regarding retiree insurance have been received. Once the information is reviewed, this information will be presented commissioners for consideration.

CHANGE ORDER FOR NEW LIBRARY

The following change orders (attachment as part of these minutes) have been approved since the last commissioners' meeting:

Completely wrapped the Rain Garden in fabric (This will be refunded by NC State University)	\$1,908
Increased the size of the concrete pad at flag poles	\$ 543
Upsized the roof drain in front of the canopy from 6" to 8"	\$ 501
Use of different stone for seats in amphitheater	\$5,302

The total of these change orders is \$8,254, bringing the total of all change orders for the new library to \$187,080. There remains a contingency of \$94,920.

Commissioner Miller moved to accept the report of change orders as presented, seconded by Commissioner Duvall and unanimously approved.

STATUS OF UNIFIED DEVELOPMENT ORDINANCE

On Monday, February 6, 2006, Chairman Guice spoke to city council regarding the board of commissioners' concerns regarding the proposed zoning of the county's property on Morris Road, and concerns regarding Chapter 6 of the Unified Development Ordinance (UDO). Earlier that evening, during a workshop on the UDO, city council members had reached a consensus on zoning a majority of the county's property and Marla Cilley's property from the proposed Industrial Campus back to General Industrial. After learning that, Chairman Guice requested that the remaining portion of county property be zoned General Industrial rather than Residential. City council considered this request and it appears that city council reached a consensus that the county's entire property would be zoned as General Industrial.

However, as far as Chapter 6 of the UDO is concerned, city council, after listening to much discussion on the issues, voted four to one to approve Chapter 6. Under this chapter, in order to build in the floodplain one must meet the “No Net Rise” and “Compensatory Storage” criteria, and the construction must be two feet above the 100-Year Flood Level.

The manager asked if the board of commissioners wanted to proceed with hiring a consultant to do a study of the estimated impact that the new ordinance would have on economic development in Transylvania County or would it want to explore other alternatives.

Chairman Guice presented the sequence of events related to the UDO, as follows:

- March 15, 2005 – The Brevard Planning and Zoning Board was presented the UDO timeline
- 16 meetings were held: June 21, August 16, August 23, September 6, Sept 13, October 4, October 11, October 18, October 25, November 8, November 22, November 29, December 13, December 20, 2005 and January 3, and January 5, 2006
- January 5, 2006 – The Planning & Zoning Board voted to present the proposed UDO to city council.
- January 15, 2006 – Josh Freeman sent an email to Mark Burrows regarding the floodplain under the new UDO. This email was more informative.
- January 18, 2006 – Mark Burrows responded to Josh Freeman that he was sending the county commissioners, county manager, EDAB, the Partnership and the Planning Board his concerns about the potential impact this would have on economic development.
- January 26, 2006 – Mike Thomas did a quick review of the UDO and its impact on the county’s property on Morris Road, and the impact on development.
- January 26, 2006 – The county found out that the Morris Road property was proposed to be zoned as Industrial Campus, which would present problems with a tower and other potential facilities on the property. The restrictions on floodplain development are a major concern.
- January 30, 2006 – Chairman Guice wrote a letter to Mayor Harris about the county’s concerns and went before city council at a public hearing on the UDO. At the end of the chairman’s remarks, members of city council indicated that they have solved the county’s problems by zoning the county property as Neighborhood Mixed Use.
- January 30, 2006 – Mr. Drew Van Horn, President of Brevard College, also spoke at the public hearing to express his concerns about the impact the UDO may have on economic development in the county, the impact on Brevard College and his concern that no economic study had been made. According to a study, the economic impact of Brevard College to Transylvania County is \$9.4 million, with 285 employees and another 106 jobs locally. It was noted that approximately one third of the college property rests in the floodplain, and the UDO will negatively affect the college’s ability to grow by placing additional costs on any construction in the future.
- January 30, 2006 – Mr. Mark Emory representing the Transylvania Community Hospital, the largest employer in the county, also spoke at the public hearing. He stated that the process was moving too quickly and asked for more time to understand the impact the new ordinance would have on the 50-acre hospital campus. They are concerned about the design standards and the resulting increase of health care costs to citizens due to the increased costs of any future expansion. The economic benefits of the hospital on the county are: salaries and benefits \$17.1 million, other operating expenses \$11.1 million, charity care \$0.3 million, and community education program services and activities \$2.1 million.
- February 2, 2006 – The county manager and county planner met with Josh Freeman to discuss concerns about zoning of county property and potential floodplain restrictions.
- February 6, 2006 – Chairman Guice wrote a second letter to Mayor Harris (attachment as part of these minutes) reiterating the county’s concerns about the zoning of county property

- and the concerns about development in the floodplain. The letter expressed our concerns about the impact that Chapter 6 of the UDO would have on the county and asked what homework (i.e. expert opinions and advice sought) had been done before creating the document; however, no response to the letter has yet been received. Chairman Guice also spoke that evening at city council's second public hearing regarding the county's concerns.
- February 6, 2006 – During the public hearing, Becky Alderman representing Transylvania Vocational Services stated that they had just become aware of the UDO and had retained an engineering firm to evaluate the impact to TVS. They requested city council not to pass the ordinance until more study was completed. The economic impact of TVS is a payroll of \$2.4 million, with another \$0.2 million spent locally.
 - February 6, 2006 - City council voted 4 to 1 to approve Chapter 6 of the UDO. It is our understanding that the county property will be zoned as General Industrial, as requested.

The chairman asked if the county should consider having an economic development impact study done to define the impact of the new ordinance. The engineering firm of Brooks and Medlock has been contacted to get a cost estimate and time estimate on completing such a project. The estimated cost is \$10,000 with a project time of approximately six weeks.

It was noted that the county received a copy of the proposed UDO only about three weeks ago. An important element is missing from the plan regarding the impact on the county as a whole, not just Brevard. Commissioner Duvall believes that no analysis was done on the economic impact of the UDO.

Commissioner Chappell stated that it is obvious that we will not get the information that was requested in the letter sent to Mayor Harris on February 6th. He feels that the county should have a study prepared and get the facts on how the UDO would impact all of Transylvania County and not just Brevard out to the public.

Commissioner Miller believes that properties that would be amenable to becoming Certified Industrial Sites would be affected; therefore, we should challenge the requirements of Chapter 6 of the UDO. However, the question is when would be the most appropriate time to make that challenge. First, we need to define what we are looking for in an economic study and have that study prepared.

Commissioner Phillips said that an impact study is the city's responsibility. Two major entities, Brevard College and Transylvania Community Hospital, that would be affected by the provisions of the UDO were not considered. He wondered if there would be time for a study or should we act now.

Chairman Guice stated that not everyone understands the impact that this will have on the citizens of the county. He agreed with Commissioner Chappell that we need to get as much information as we can out into the public. A study would cost approximately \$10,000 to complete.

Commissioner Miller suggested that the most effective way to pursue this is for those affected to participate in requesting to city council to readdress the issues.

Chairman Guice opened the floor to the public for comments:

- Mr. Rick Lasater stated that he is the county's representative on the Brevard Planning Board. The planning board started getting chapters of the UDO in September. He feels that city council is not concerned with economic development, and stated that it was apparent

from the start that there was an agenda in place. He would like some guidance from the board of commissioners as to what they want from the Planning Board.

- The manager stated that nobody really knows what the impact on the county will be. He suggested that the county meet with the mayor and other city officials to cooperatively discuss the possibilities. In addition, we should offer to join together with the city to have an economic impact study done and gather facts. Since time is of the essence we should do this as soon as possible.
- Chairman Guice stated that he had difficulty with the fact that there has been no response from city council regarding his last letter. He feels that the city ignored that potential for discussion and voted that evening to include Chapter 6. This will impact county recreation and other facilities, including TVS, Easy Flow Drain, Transylvania Community Hospital, Brevard College and many others.
- Commissioner Miller stated that if citizens cannot use the land that they have, this is clearly an economic impact to the landowner. He suggested that we get the groups together for open dialog about the UDO and then present a specific proposal to the city. The chairman cited the purchase of Dr. Hawk's property and the changes to that parcel so that it cannot be developed as an industrial site. This itself reduces the potential of creating more jobs for the community.
- Mr. Terry Crowe agreed that it would be worth the attempt to get the appropriate parties together to see what can be done. He also expressed concern about a 30' setoff from a body of water.
- Mr. James Keenan stated that there is continuing dissention between private property rights and the health and welfare of the general population. The more building that is done, the more flooding that occurs. Issue is do we have really accurate maps that map the floodway and floodplain. Has the city done that? Do they have a good hydrology study? Citizens need to be able to look at the conflicting interests. We need to have accurate information. Commissioner Duvall reported that maps will be available in May or June and we asked city to withhold judgment until after the state maps are available.

The consensus of the board was have the county manager meet with the mayor, city manager and others and make an effort to address our concerns with them.

MANAGER'S REPORT

- Hemlocks at Silvermont: The manager reported that woolly adelgid has affected the hemlocks at Silvermont. He is working with the City of Brevard, which agrees that we need to remove the damaged trees. We are making an effort to save the larger trees.
- Next meeting: The proposed subdivision ordinance will be presented for consideration.
- Planning workshop: We still need to set the dates for the planning workshop. After a discussion about the possible dates, it was decided that the commissioners would email the chairman dates that would work for them. March 6th and 7th were suggested. It is anticipated that the board of commissioners will take two days to discuss the issues.

PUBLIC PARTICIPATION

There were no comments made by the public.

COMMISSIONERS' COMMENTS

There were no comments received from commissioners.

Commissioner Duvall moved to enter closed session per NCGS 143-318.11(a)(3) (attorney-client privilege) and to allow the manager, attorneys Neumann and Hall, Planning and Economic Development Director Mark Burrows and the clerk to board to be present, after taking a five-

minute recess. The motion was seconded by Commissioner Chappell and unanimously carried.

The chairman declared a short recess at 8:40 p.m.

CLOSED SESSION

The group entered closed session at 8:45 p.m. Commissioners Guice, Chappell, Duvall, Miller and Phillips, and Manager Wilson, Attorneys David Neumann and Jeanne Hall, Mark Burrows and the clerk were present.

The group discussed the issues around the UDO being proposed by the Brevard City Council. After weighing alternatives, the board of commissioners gave staff direction on how to proceed and instructed counsel to prepare a position paper.

No action was taken during closed session.

Commissioner Duvall moved to re-enter open session, seconded by Commissioner Phillips and unanimously approved.

OPEN SESSION

The group entered open session. No member of the public or media returned to the meeting.

Commissioner Duvall moved to seal the minutes of the closed session until the issue is resolved, seconded by Commissioner Miller and unanimously carried.

There being no further business to come before the board, **Commissioner Phillips moved to adjourn the meeting, seconded by Commissioner Duvall and unanimously carried.** The meeting adjourned at 9:50 p.m.

W. David Guice, Chairman

ATTEST:

Kimberly T. Conover, Clerk to the Board