

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
MARCH 26, 2007- REGULAR AND CLOSED SESSIONS

The Board of Commissioners of Transylvania County met in regular session on Monday, March 26, 2007 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed and Vice-Chairman Kelvin Phillips.

Staff members present: County Manager Artie Wilson, Health Director Steve Smith, Recreation Director Rick Pangle, Planning and Economic Development Director Mark Burrows, Solid Waste Director Jeff Brookshire, Board of Elections Director Judy Matthews, Traci Fisher, County Attorney Jeanne Hall, Finance Director Gay Poor, Mike Thomas, Library Director Anna Yount and Clerk to the Board Trisha McLeod.

Media: *Times News*- Jonathan Rich
Transylvania Times- Kim MacQueen

There were approximately 35 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:00 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting.

PRAYER

Commissioner Guice offered the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Phillips led the Pledge of Allegiance.

PUBLIC HEARING

INCENTIVE GRANT FOR SYTRONICS

Planning and Economic Development Director Mark Burrows addressed the Board to discuss awarding an incentive grant to Sytronics, a manufacturing facility that moved to Transylvania County last year. He explained that they are moving forward with the policy that the County had prior to the changes the Commissioners adopted recently. He recommended that the County give an incentive grant to Sytronics based on an

incremental investment by Sytronics of \$325,000. Based on the County's Incentive Grant Policy, the grant amount would be \$3,737.50 and distributed in equal payments over the next three (3) years. Sytronics has met the stipulations of the Incentive Grant Policy.

Chairman Chappell declared the Public Hearing open.

Allison Taylor, with Sytronics, stated that they had received no incentive to move to Transylvania County. She thanked the Commissioners and the County for their support.

There being no public comment, Chairman Chappell declared the Public Hearing closed. He explained that Commissioners would vote on the incentive grant application at the next Commissioners' meeting on April 9, 2007.

PUBLIC COMMENT

There were no public comments.

AGENDA MODIFICATIONS

There were no Agenda modifications.

Commissioner Guice moved to approve the Agenda as submitted, seconded by Commissioner Bullock and unanimously approved.

CONSENT AGENDA

The following items were approved:

MINUTES

Minutes from the February 26, 2007 Regular Meeting and Closed Session and the March 8, 2007 Special Joint Meeting with the Board of Education were approved.

The following Closed Session minutes were approved and unsealed:

August 12, 2002	Negotiation of a Contract
October 28, 2002	Negotiation of a Contract
November 12, 2002	Expansion of Industry
August 14, 2003	Expansion of Industry
July 14, 2003	Expansion of Industry
February 23, 2004	Negotiation of a Contract
March 22, 2004	Expansion of Industry
February 14, 2005	Expansion of Industry
July 25, 2005	Expansion of Industry
October 24, 2005	Conditions of Appointment of Public Officer
November 14, 2005	Expansion of Industry

November 14, 2005	Negotiation of a Contract
January 23, 2006	Expansion of Industry
February 13, 2006	Attorney-Client Privilege
October 23, 2006	Personnel Matter

FACILITIES USE REQUEST

The use of Silvermont by Appalachian Treatment Alternatives for May 4, 2007 was approved.

The use of the Courthouse Lawn by Benson Galloway for Sundays in April and May 2007 was approved.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for accounting period 2/01/07 through 2/28/07 was approved.

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

PRESENTATIONS/RECOGNITIONS

RESOLUTION IN RECOGNITION OF MR. RANDALL VAUGHN BUFORD FOR ACHIEVING THE RANK OF EAGLE SCOUT

The Manager stated that the County would like to recognize Mr. Randall Vaughn Buford for achieving the rank of Eagle Scout. Mr. Buford's parents, John and Mindy Buford, were in attendance. The County invited Mr. Bob Kent, Committee Chairman for Troop 703, and Mary Barrier with Gorges State Park, to join the Commissioners in recognizing Mr. Buford.

Ms. Barrier stated that Mr. Buford constructed a trail for horseback riders, trailside benches and a horse hitching post at Gorges State Park. Mr. Buford provided all the materials and equipment and he coordinated and supervised the labor. Ms. Barrier said the Staff at Gorges State Park is very grateful for his contributions to the park. She said his work shows a lot of different qualities in leadership, motivation and initiative. She added that Gorges State park recently hired Mr. Buford. She congratulated him for his hard work and for his contributions to the park.

Chairman Chappell read Resolution 42-07. **Commissioner Guice moved to approve Resolution 42-07, seconded by Commissioner Phillips and unanimously approved.**

Chairman Chappell presented Mr. Buford with the Resolution. The Commissioners and the audience applauded Mr. Buford for his achievements.

Resolution 42-07 attached as part of the minutes.

APPOINTMENTS

EDAB

Mr. Tad Fogel, Chairman of the EDAB, has requested that a Commissioner serve on the EDAB in an ex-officio role.

Commissioner Guice moved to appoint Commissioner Phillips to the EDAB in an ex-officio role, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Hogsed moved to appoint Mr. Jim Meyer to fill the unexpired term of Mr. Mike Rogers, seconded by Commissioner Guice.

Commissioner Phillips moved to appoint Mr. James Robert McCall to fill the unexpired term of Mr. Mike Rogers, seconded by Chairman Chappell.

Mr. James Robert McCall was appointed to the EDAB by a vote of 3 to 2.

DUPONT STATE FOREST ADVISORY COMMITTEE

David Brown, Supervisor with Dupont State Forest, has requested that the Commissioners recommend someone to serve on this committee that has an interest in the forest and the ability to represent local government.

Commissioner Guice moved to recommend Chairman Chappell serve on the Dupont State Forest Advisory Committee, seconded by Commissioner Bullock and unanimously approved.

ELECTED OFFICIALS JOINT COMMITTEE

Chairman Chappell stated that it was suggested by Mayor Jimmy Harris that the Chairman of the Board of Commissioners, the County Manager and one additional Board Member serve on this committee.

Commissioner Phillips moved to appoint Commissioner Guice, seconded by Commissioner Hogsed and unanimously approved.

Commissioner Guice moved to appoint Chairman Chappell, seconded by Commissioner Bullock and unanimously approved.

BRCC BOARD OF TRUSTEES

Chairman Chappell moved to appoint Mr. Mike Hawkins to fill the unexpired term of Mr. Billy Higgins, Jr., seconded by Commissioner Guice and unanimously approved.

CJPP BOARD

Commissioner Guice moved to appoint Commissioner Bullock to fill the unexpired term of former Commissioner Ray Miller, seconded by Commissioner Hogsed and unanimously approved.

LME

Commissioner Hogsed moved to appoint Health Director Steve Smith to fill the term of Mr. Keith Parker, seconded by Commissioner Bullock and unanimously approved.

OLD BUSINESSMASS GATHERING ORDINANCE

Chairman Chappell stated that a Public Hearing was held at the last Commissioners' meeting regarding the proposed Mass Gathering Ordinance. If approved by the Commissioners, the ordinance would become effective April 1, 2007.

Commissioner Hogsed moved to approve the revised Mass Gathering Ordinance to be effective April 1, 2007, seconded by Commissioner Phillips and unanimously approved.

ROSMAN LITTLE LEAGUE

Representatives from Rosman Little League attended the last Commissioners' meeting and requested financial assistance from the County for equipment and supplies. The Commissioners requested they return to this meeting and provide more information on their specific needs.

David Galloway, Secretary of Rosman Little League, addressed the Board. He stated that their organization is small therefore they have no funds remaining at the end of the season. He said they need monies for sports and safety equipment, a lawn tractor to maintain the fields, portable bathroom facilities, etc. Mr. Galloway noted that they received monies from TYA but it was not enough to cover all their needs. The Rosman Little League is requesting additional support from the County.

Matt Galloway, President of Rosman Youth Softball, addressed the Board. He said they are currently using the Wood Yard for their softball field. Mr. Galloway hopes to renew the lease after next year. He stated that his primary concern is not having a backstop and the safety issues this presents. He added that Miller Fencing Company has agreed to build a backstop for them for the half the cost. He would appreciate any financial assistance from the County for this project.

Mr. Tim Pettit asked Recreation Director Rick Pangle to explain the importance of the Recreation Study. Mr. Pangle said the County is working with the City of Brevard to develop a master plan for all types of recreation facilities. He hopes the plan will reflect the wants and needs of the entire community. Mr. Pangle said the plan should be ready to present in October at which time they plan to make application for Parks and Recreation Trust Fund monies. He said the grants are based on point levels achieved by the County. The County can earn 60 points by having a Recreation Master Plan in place. Mr. Pangle added that he has made efforts to contact Mr. Charles Taylor regarding renewing and extending the lease for the Wood Yard. Mr. Taylor is out of town until April 6.

Mr. Tim Pettit addressed the Board. He said any assistance they receive from the County would be greatly appreciated. Mr. Pettit said their goal is to be able to sustain themselves as an organization. He noted that their program is growing and their main concern is not having a place to play. Chairman Chappell said the Recreation Study will address the County's needs as it relates to building other facilities in the County. He noted that Rosman Little League's initial request for assistance was in the amount of \$5,000.

Commissioner Guice added that the Recreation Study will identify a lot of needs and he hopes it will help the County prepare for the future. He said Rosman Little League has specific requests that need to be addressed. He said the Commissioners can not address the field issues at this time. Commissioner Phillips noted that the equipment they plan to purchase can be moved from year to year depending on where they play.

Commissioner Guice moved to award Rosman Little League \$7,500, seconded by Commissioner Hogsed.

Commissioner Hogsed assured the representatives from Rosman Little League that their need for a field will be addressed. Commissioner Phillips added that he hopes the monies from the County will help them address their immediate needs and provide some savings to them to address their long term needs.

The motion passed unanimously.

The Commissioners thanked them for their hard work and service to the community and Rosman Little League.

NEW BUSINESS

CJPP GRANT- CONTINUATION OF IMPLEMENTATION FUNDING

The Manager explained that this request is a normal annual grant request. He said the grant application is for \$51,000 with funds to come from the State.

Ms. Judith West, the CJPP Coordinator for Transylvania County, stated that the CJPP Grant pays for Substance Abuse and Mental Health services for offenders on Intensive Probation. She said that this year they have added employment, transportation and Domestic Violence Intervention services.

Commissioner Hogsed moved to approve the grant application and authorize the County Manager and Finance Director to sign the application, seconded by Commissioner Bullock and unanimously approved.

UPDATE ON LOCAL WELL RULES

Health Director Steve Smith addressed the Board to update them on the status of local private well rules and the implementation of that program in the near future. He said the new local well rules would be made effective September 1, 2007. Initially, the plan was scheduled to be implemented in June 2007. Because of a lack of clarity in some of the

provisions and based on the feedback from counties, the State agreed to the later implementation date of September 1, 2007.

The local well rules serve as a framework for oversight and inspection to ensure that well drillers are compliant with the existing 2C well construction standards.

Exceptions/Additions to the 2C Rules:

- 20' between drinking water wells
- 10' setback from property lines
- 50' setback from cemeteries
- Thermoplastic well casing- shall have a minimum wall thickness and tolerance which meets or exceeds requirements for DSR-21 thermoplastic water well casing pipe for a maximum depth of 185 feet; Steel well casing shall be required for the entire length of the casing for any well in which the casing depth exceeds 185 feet
- An application for a well permit must be submitted in conjunction with all septic permit applications; Recorded easements will be required to establish access to water supplies not located on the property of the intended project
- Current template requires well contractors to submit required reports to Department within five (5) working days; Would alter to fifteen (15) working days

Mr. Smith stated that this information has been presented to the Planning Board and they have voiced no concerns. He would like to proceed according to the timeline and guidelines.

The Manager asked Mr. Smith if the Board of Commissioners had to approve the ordinance if passed by the Board of Health. Mr. Smith said the Board of Health has the statutory authority to adopt rules without the Board of Commissioners' approval.

ENGINEERING SERVICES FOR NEW LANDFILL

The Manager stated that the County is in the process of designing the new cell for the landfill. The County has received a proposal from Joyce Engineering to complete Tasks 27 and 28. Joyce Engineering estimates the cost of 22 weeks of onsite observation and testing at \$250,000 for Task 27. Additional time required to complete the project beyond the 22 weeks would be billed on a time and expense basis. They will complete Task 28, the background water sampling, for a fixed sum on \$18,500.

The Manager stated that the County needs to proceed with these contracts in order to begin construction of the cell by June 2007 and with a completion of late November 2007. The County is requesting that Commissioners approve the contracts for Task 27 and Task 28.

Commissioner Guice moved to approve the contracts with Joyce Engineering, seconded by Chairman Chappell and unanimously approved.

REVISED USE POLICIES FOR THE ROGOW ROOM AND AMPHITHEATER

Library Director Anna Yount addressed the Board to discuss revisions to the Rogow Room and Amphitheater Use Policies. Through their experience, the Library Staff and Boards have found that they need a separate use policy for the Amphitheater. She said some of the changes to the policies include extending the time to request use of the Library from three (3) months to six (6) months, fee changes if the Amphitheater request asks for the use of the rest rooms, and changes to the language for use by local businesses.

Chairman Chappell questioned the changes in the Rogow Room Policy relating to the restraints on parties and social events. Ms. Yount said with all the events held in the Rogow Room, they are struggling with the housekeeping. Commissioner Guice added that if this policy were in effect last year, the Sheriff and the Clerk of Court would not have been able to hold their events there. Commissioner Phillips said he understands their issues about the housekeeping. Ms. Yount said because of this issue they may need to increase the fee to cover housekeeping expenses. The Manager said the more people use the facility the more difficult it becomes to keep clean.

Commissioner Hogsed said he understands and shares their concerns. He added that the Library is a taxpayer supported facility and should be available to them. He wondered if they could handle requests on a case by case basis and not rule out all personal functions. Commissioner Phillips stated that without clear rules in place, it would be difficult to determine which social or personal events could be held there and which could not. Ms. Yount said she could revise the policy to remove the sentence regarding the restrictions on parties. After further discussion, the Commissioners decided upon the final revisions to the policies.

Chairman Chappell moved to approve the draft of the Rogow Room Use Policy with the amendments being to delete the second sentence in the second paragraph, seconded by Commissioner Phillips and unanimously approved.

Chairman Chappell moved to approve the Amphitheater Use Policy as presented, seconded by Commissioner Phillips and unanimously approved.

PUBLIC COMMENTS

Mr. Tim Pettit asked the Commissioners how many cells the landfill is capable of holding. The Manager responded. He said the landfill has the capacity to have a large number of cells. The County is also looking to gain more room in cells 1-4 by adding steeper slopes.

COMMISSIONERS' COMMENTS

Commissioner Phillips said he hopes one day the County can avoid paying large contract fees for landfills, especially with improvements in technology.

Commissioner Hogsed commented on a national issue. He stated that the United States Congress recently voted to approve a resolution to withdraw troops from Iraq and Representative Heath Shuler voted in support of the Resolution. He said Congressman Shuler voted to no longer fund troops from Transylvania County. He feels that Congressman Shuler's actions are an embarrassment to Transylvania County.

There being no further comments from Commissioners, **Commissioner Phillips moved to enter into closed session per NC General Statute 143-318.11 (a) (3) and (a) (5), seconded by Commissioner Bullock and unanimously carried.**

CLOSED SESSION- GENERAL ACCOUNT

Per NC General Statute 143-318.11(a) (3) Consult with Attorney and (a) (5) Instruct Staff
Concerning the Position to be Taken on Negotiating an Agreement

Pursuant to NCGS 143-318.11 (a) (3) to consult with attorney and (a) (5) to instruct staff concerning the position to be taken on negotiating an agreement, closed session was entered at 8:50 p.m. Chairman Chappell, Commissioners Bullock, Guice, Hogsed and Phillips, Manager Wilson, Attorney Jeanne Hall and Clerk to the Board were present.

The Manager stated that the City of Brevard is requesting that the County help them with the demolition costs of the old filling station at the corner of Broad and Jordan Streets. The City plans to construct a parking lot at this location. They are negotiating with Mr. Youngblood for a five (5) year lease of the property to be used for public parking. Specifically, they are asking the County to waive the tipping fees.

The County is recommending that the Board of Commissioners enter into an agreement that will grant the City of Brevard the amount of tipping fees used for only the debris coming from the filling station building as long as the material is not contaminated. The Manager stated that the County has never waived tipping fees before.

Chairman Chappell asked the Manager if the old gas tanks have been removed. The Manager said they are probably still there and that it would be City's responsibility to remove them.

Attorney Jeanne Hall said there is a concern about the request to waive tipping fees as a precedent. She suggested that the County not waive the tipping fees. The Manager suggested granting the City the equivalent of the amount of the tipping fees.

Commissioner Bullock asked how many parking spaces were expected in the new parking lot. The Manager said the City expects to have approximately 50 parking spaces.

Chairman Chappell moved to return to Open Session, seconded by Commissioner Guice and unanimously carried.

OPEN SESSION

Commissioner Guice moved to authorize Staff to negotiate and cooperate with the City for parking with a grant equal to the tipping fee for the demolition of the old filling station, seconded by Commissioner Phillips and unanimously approved.

ADJOURNMENT

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

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board