

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**August 27, 2007- REGULAR MEETING AND GENERAL ACCOUNT OF**  
**CLOSED SESSION**

The Board of Commissioners of Transylvania County met in regular session on Monday, August 27, 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 were County Manager Artie Wilson, County Attorney Jeanne Hall, Project Manager Larry Reece, Board of Elections Director Judy Mathews, Sheriff David Mahoney, Captain Eddie Lance, Noreda Moody, Lavonda Blackwell, Social Services Director Carson Griffin, Tax Assessor/Collector David Reid, Emergency Services Director David McNeill, Library Director Anna Yount, Human Resources Director Sheila Cozart, Finance Director Gay Poor, Bailiff Supervisor Jimmy Jones and Clerk to the Board Trisha McLeod.

Media: *Times News*- Jonathan Rich  
*Transylvania Times*- Mark Todd

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.

**PUBLIC COMMENT**

There were no comments from the public.

**AGENDA MODIFICATIONS**

Under Consent Agenda, Item IV-A Approval of Minutes was removed from the Agenda. Under Appointments, Item VI-B Tourism Development Authority was added to the Agenda.

**Commissioner Guice moved to approve the Agenda, seconded by Commissioner Hogsed and unanimously approved.**

## **CONSENT AGENDA**

**Commissioner Hogsed moved to approve the Consent Agenda, seconded by Commissioner Phillips.**

Commissioner Guice suggested that Commissioners revisit the Facilities Use Policy over the next few weeks as it pertains to public use of the Courthouse. The County is moving forward with sealing off the front entrance and creating a single port of entry where everyone must pass through a metal detector.

**The motion passed unanimously.**

The following items were approved:

### DISCOVERY & RELEASE REPORTS

The Discovery & Release Report for accounting period July 1, 2007 through July 31, 2007 was approved.

### FACILITIES USE REQUESTS

The use of the large courtroom by the Chamber of Commerce to hold a Candidates Forum was approved for October 9, 2007 and October 11, 2007 from 6:00 p.m. to 9:00 p.m.

## **PRESENTATIONS/RECOGNITIONS**

### RESOLUTION 54-07 IN RECOGNITION OF NOREDA G. MOODY

Effective October 1, 2007 Noreda Moody will retire from Transylvania County with 19 plus years of service.

Commissioner Bullock read Resolution 54-07 In Recognition of Noreda G. Moody.

**Commissioner Guice moved to approve Resolution 54-07, seconded by Commissioner Bullock and unanimously approved.**

Chairman Chappell presented Ms. Moody with Resolution 54-07. Social Services Director Carson Griffin and Commissioners thanked Ms. Moody for all her years of service to the citizens of Transylvania County.

(Resolution 54-07 In Recognition of Noreda G. Moody attached as part of the Minutes.)

### RESOLUTION 57-07 IN RECOGNITION OF LAVONDA E. BLACKWELL

Effective September 1, 2007 Lavonda Blackwell will retire from Transylvania County with 19 plus years of service.

Commissioner Hogsed read Resolution 57-07 In Recognition of Lavonda E. Blackwell.

**Commissioner Hogsed moved to approve Resolution 57-07, seconded by Commissioner Phillips and unanimously approved.**

Chairman Chappell presented Ms. Blackwell with Resolution 57-07. Sheriff David Mahoney and Commissioners thanked Ms. Blackwell for all her years of service to the citizens of Transylvania County.

(Resolution 57-07 In Recognition of Lavonda E. Blackwell attached as part of the Minutes.)

## **APPOINTMENTS**

### JUVENILE CRIME PREVENTION COUNCIL

**Commissioner Guice moved to reappoint Steve Pulliam (United Way/Non Profit), seconded by Commissioner Bullock and unanimously approved.**

### TOURISM DEVELOPMENT AUTHORITY

**Commissioner Bullock moved to appoint Mike Hawkins, seconded by Commissioner Hogsed and unanimously approved.**

## **OLD BUSINESS**

### PUBLIC SAFETY FACILITY PLANS

The Manager reported that Moseley Architects has completed the plans for the Public Safety Facility. Dan Mace and Robert Smith from Moseley Architects will review the plans with the Commissioners. With the Commissioners' approval of the plans, Staff will begin the bid process.

Mr. Dan Mace acknowledged all those that have been involved in this project. He showed a Power Point presentation and described the interior and exterior features of the facility. The Public Safety Facility will have 114 beds with core spaces for 300 inmates. Mr. Mace noted that the facility will be LEED certified after construction is complete and it is operating as a high performance building.

Mr. Mace stated that the last estimate presented to Commissioners in August 2006 was \$14.4 million. The estimated cost of the project today is \$19.8 million; however the cost will be not be certain until they go out to bid for the project. Mr. Mace explained the reasons for the increased costs. He noted that Code requires life safety and exhaust systems on emergency power so a backup system is certainly needed. Mr. Mace feels that the County will break even on some of the features in ten to eleven years due to energy savings as a result of being LEED certified. Some extra costs were incurred, such as needing more asphalt after the location of the entrance changed, increases in costs and inflation, etc. Mr. Mace hopes to have a favorable bidding climate. He also noted that he decreased the contingency as the project entered the final stages of planning.

Chairman Chappell invited members of the Jail Planning Committee to speak. Probation/Parole Officer Rick Lasater commented that video arraignments will reduce the number of inmate transports to the Courthouse which will save time and Staff associated with operating costs and will provide a safer environment. Commissioner Guice added that in a recent meeting with the Rural Courts Commission, they recommended utilizing video arraignments to help deal with security issues.

Sheriff David Mahoney pointed out that new facility addresses staffing, staffing patterns, security, detail, etc. Chairman Chappell asked the Sheriff to speak about costs incurred by the County to house inmates in other counties' facilities. The Sheriff stated that as of 10:00 a.m. this morning, there were 47 inmates in a 28 bed facility. They kept 34 inmates and transported 13 to other facilities at a cost of \$60 per day per inmate. He added that these numbers do not include sentenced offenders that are waiting to do weekend jail time. Commissioner Bullock added that other counties are beginning to realize overcrowding and we may have to house those inmates when our facility is complete. Sheriff Mahoney reported that Henderson County billed Transylvania County \$14,000 in the month of June for housing inmates.

Captain Eddie Lance pointed out that if the same 13 inmates remained in Henderson County for a year, it would cost the County approximately \$285,000, which does not include overtime and fuel costs related to transports, lost commissary costs, etc. He stated that the current jail is a pressure cooker and they have been lucky that they have had no major issues thanks to the diligence of Staff. He also thanked and recognized Project Manager Larry Reece for his work on this project.

Commissioner Phillips asked Mr. Mace if all the revisions had been made to the plans. Mr. Mace replied that Moseley Architects is ready to advertise the project, awaiting the City's approval. He requested permission from the Commissioners to proceed with the bidding phase of the project.

Chairman Chappell and Commissioner Guice thanked the members of the Jail Planning Committee for their hard work through this process.

**Chairman Chappell moved to approve the designs for the Public Safety Facility and instructed Staff to go out for bids, seconded by Commissioner Guice and unanimously approved.**

Commissioner Guice requested to have discussion regarding the additional funds that are needed to complete the project.

Chairman Chappell called for a 5 minute recess.

Commissioner Guice withdrew his request for discussion of funding at this time.

### PARKING LOT ON JOHNSON STREET

The Manager reported that Staff has been working with Rich Worley on the design of the parking lot on Johnson Street. He asked Project Manager Larry Reece to speak about the proposals for the parking lot and the impact of the UDO.

Mr. Reece stated that, in accordance with the City's UDO requirements, the parking lot design had to address storm water management and lighting issues. The County made application to the City in May 2007 and resubmitted application in July. The UDO required sidewalks and buffers which reduced the number of parking spaces from the original design. The City has approved the current design contingent upon approval of the lighting plan. Mr. Reece asked the Commissioners to approve his request to proceed with the bid process. The Manager added that the City required landscaping buffers as a result of concerns by the neighbors. Chairman Chappell asked how many parking spaces were lost as a result of all the changes. The Manager responded that 14 spaces were lost, from 61 to 47.

Mr. Terry Barham requested to address the Board. He expressed his concerns about a parking lot being constructed in a residential neighborhood. He believes it will be a threat to property taxes and compromise the integrity of the neighborhood. He asked the Board to reconsider their need for the parking lot and to explore other creative solutions to parking, such as carpool incentives, trollies, etc.

Mr. Reece pointed out that the County has met the requirements set forth by the City. The Manager added that the County would not have moved forward with the project without the City's support and approval.

Ms. Judith West requested to address the Board. She said she is appreciative of the City's requirement for buffers. She asked where the storm water would go. Mr. Reece responded that the water would run off into catch basins and other guttering for storm water retention which will improve the current storm water situation when the project is complete.

Commissioner Bullock asked if the construction estimates had increased as a result of the addition of sidewalks and buffers. Mr. Reece responded that the estimates should remain the same; although Staff will not be sure until the bid process is complete. The demolition will be done by the County and there is less asphalt needed with the additions.

Commissioner Phillips stated that he is in favor of changing the buffer to something other than seasonal vegetation. He asked if the neighbors' property values would be adversely affected. The Manager responded that property values in that neighborhood continue to rise. He does not know how the parking lot will affect the property values. He added that the County has met the City's requirements for landscaping and sidewalks to minimize any effects. Tax Assessor David Reid added that there is no way to determine the effects on property values until time goes by.

Mr. Mark Lane addressed the Board. He asked if \$500,000 was a good investment for 47 spaces.

Commissioner Hogsed said there may be other alternatives such as using brick pavers instead of asphalt which will allow grass to grow through the paving and allow the property to still be used as a parking lot. He explained to the residents why the County pursued this project. He is willing to explore alternatives and stated that it has not been the intent of the County to compromise the integrity of the neighborhood.

Commissioner Bullock suggested holding off on the bid process until other alternatives are explored. Commissioner Guice said the City has approved the current plans and he is not sure if they will approve alternative plans. He is unsure of the costs but is willing to table the issue and allow Staff to explore other options.

The Manager suggested that Staff go back to the City and request permission to bid an alternative. Commissioner Guice asked if the plantings could be changed to something more appropriate. The Manager replied yes, if the City is in agreement. Mr. Reece added that brick pavers would be 2 to 3 times the cost and the City has strict regulations on striping and identifying parking.

**Commissioner Guice moved to authorize Staff to go back to the City Planner concerning the use of pavers and changing the shrubbery and go out for bids on the current design and the alternative design to bring back before the Commissioners, seconded by Commissioner Bullock.**

Commissioner Phillips said he is willing to hold a public meeting to educate the public more on this matter. **The motion passed unanimously.**

#### RESOLUTION 58-07 APPROVING LOCK BOX SERVICES FOR TRANSYLVANIA COUNTY

Finance Director Gay Poor stated that the Commissioners approved the Lock Box Service during the Budget Session and in order to move forward they must approve the resolution. David Reid added that BB&T was chosen for the Lock Box Service because they had the largest number of users, they were the lowest bidder and they were the most responsive during the process.

**Commissioner Guice moved to approve Resolution 58-07, seconded by Commissioner Bullock and unanimously approved.**

(Resolution 58-07 attached as part of the Minutes.)

### **NEW BUSINESS**

#### REQUEST FROM TRANSYLVANIA COMMUNITY HOSPITAL

The Manager explained that the County received a request from Robert Bednarek, President and CEO of Transylvania Community Hospital, requesting that the County

consider refunding \$50,000 of the \$73,333 for the building permit fee that was obtained for the \$14 million expansion project currently under way at the hospital. According to the Mr. Bednarek, if granted, this would be viewed as the County's contribution to the \$14 million fund raising effort. Currently the County allows a 50% reduction in building permit fees for a church sanctuary, Fire and Rescue Departments and the Transylvania County School System.

Mr. Bednarek reiterated the Manager's comments. The refund will go toward their fund raising efforts so that the hospital does not have to incur significant long term debt. He thanked the Commissioners for their consideration of his request.

**Chairman Chappell moved to grant TCH \$36,667 to go towards the hospital's fund raising efforts which equates to a 50% reduction of building permit fees given to similar organizations, seconded by Commissioner Phillips.**

Commissioner Guice commented that the Commissioners are very appreciative of Mr. Bednarek's leadership and of what the hospital means to the community. Commissioner Phillips concurred with Commissioner Guice's comments. He added that he is trying to remain consistent by granting a 50% reduction instead of the \$50,000 that was requested. **The motion passed unanimously.**

#### POTENTIAL REFERENDA FOR A LAND TRANSFER TAX AND SALES TAX

The Manager stated that HB 1473 provides counties with the authority to levy either a land transfer tax (up to .4%) or a local sales tax (1/4 cents), following approval in a non-binding advisory referendum. The Board of Commissioners could hold an advisory referendum on the new revenue authority in November as long as the Board notifies the local Board of Elections by September 1, 2007 and the State Board of Elections by September 4, 2007. Both items could be placed on the November ballot and, if both passed, the Board of Commissioners would have to choose which one they wanted to enact, if either. If the Board of Commissioners chose not to place both or one of the two on the ballot in November, the Board of Commissioners has the authority to call for a Special Election on the issue at any time as allowed under the law. The North Carolina Association of County Commissioners has estimated, if approved, the annual impact of a land transfer tax in Transylvania County at \$1.6 million and the 1/4 cents sales tax at \$.84 million. There are no restrictions on how the funds from either can be used.

The Manager explained that, as now estimated by the Architects, the costs for the Public Safety Facility are higher than the funds set aside. Either tax would allow the County to borrow the additional funds needed for this project without having to raise the ad valorem tax rate. If the Board of Commissioners chooses to put either tax to a referendum this November, there is a lot of education that must be done with the public in a short period of time.

Commissioner Phillips stated that there is nothing on the ballot for the County this year. He suggested waiting to place this item on the ballot in a larger election instead of the issue being decided by a few voters. Commissioner Hogsed feels Commissioners should

at least wait until May 2008 so there are no additional election costs incurred. Commissioner Guice concurred that a majority of the citizens need to be present to vote. Chairman Chappell stated that he will not support the referendum at this time since there is no other countywide election. Commissioner Phillips added that there is not enough time between now and November to educate the public.

**Commissioner Bullock moved not to put the referenda on the November ballot, seconded by Commissioner Phillips and unanimously approved.**

#### SOCIAL SERVICES POSITION REALLOCATION

Carson Griffin, Social Services Director, requested that the Board of Commissioners reallocate a Lead Social Worker position to a Social Worker III position for the children's services area. They are currently not compliant with the State's guidelines for supervisors per Social Worker. Ms. Griffin stated that the reallocation would have no impact on the current budget.

**Commissioner Phillips moved to approve the position reallocation, seconded by Commissioner Guice.** Commissioner Phillips thanked Carson for her attentiveness to budget matters. **The motion passed unanimously.**

#### TOWER LEASE AGREEMENT BETWEEN TRANSYLVANIA COUNTY AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

The Manager stated that Staff has negotiated a five year contract with Verizon Wireless for \$24,000 per year with a 3% escalator per year that is renewable for three five-year terms.

**Commissioner Guice moved to authorize the lease agreements and authorize the Chairman to sign the documents, seconded by Commissioner Bullock.**

Commissioner Phillips asked if the contract negates any negotiations with any other carriers. The Manager said there are three other spaces available on the tower for other carriers. Chairman Chappell added that this tower will greatly benefit the citizens of Transylvania County. The Manager noted that the County will be operational in 2 to 3 weeks. **The motion passed unanimously.**

#### BUDGET AMENDMENTS

Finance Director Gay Poor reported on the Budget Amendments. She stated that most of the Budget Amendments have been carry-forwards of funds from projects approved in FY 2007 but not completed until FY 2008.

**Commissioner Phillips moved to approve the Budget Amendments for FY 2008, seconded by Commissioner Bullock and unanimously approved.**

(Budget Amendments attached as part of the Minutes.)



## MANAGER'S REPORT

The Manager reported the following:

- Work continues on the re-pointing of the Courthouse
- Staff will go out for bids on the wall at the Courthouse in 2 to 3 weeks
- Renovation of the Community Services Conference Room has begun
- Auditors are in the old Library through September and will present their report to the Board of Commissioners in October
- A meeting has been scheduled with the Animal Shelter Committee and Daggett to discuss costs and layout
- The Flood Study Committee meeting is cancelled for Tuesday and will be rescheduled for next week. The Committee should have a recommendation for the Commissioners soon.
- We received the permit to complete Cell #5 and the project is progressing

## **PUBLIC COMMENT**

There were no comments from the public.

## **COMMISSIONERS' COMMENTS**

Commissioner Phillips asked what happened to the mobile crisis unit that was funded by MOE funds. The Manager responded that the funds are currently with the LME and Appalachian Counseling is currently handling mobile crises.

**Chairman Chappell moved to enter into Closed Session per NCGS 143-318.11 (a) (6) to discuss a personnel matter after a 5 minute recess, seconded by Commissioner Bullock and unanimously carried.**

## **CLOSED SESSION**

Pursuant to NCGS 143-318.11 (a) (6) to discuss a personnel matter. Chairman Chappell, Commissioners Bullock, Guice, Hogsed and Phillips, County Manager Artie Wilson, County Attorney Jeanne Hall and Clerk to the Board Trisha McLeod were present.

The Commissioners discussed a personnel matter and directed Staff on how to proceed.

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

## **OPEN SESSION**

**Chairman Chappell moved to seal the Minutes of the Closed Session, seconded by Commissioner Hogsed and unanimously approved.**

**ADJOURNMENT**

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

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Jason R. Chappell, Chairman  
Board of County Commissioners

ATTEST:

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Trisha D. McLeod  
Clerk to the Board