

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 14, 2011 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, February 14, 2011 at 7:00 p.m. in the Rogow Room at the Transylvania County Library. The Board of Commissioners relocated its meeting from the Courthouse because staff and others were preparing the facility for the Opening Ceremony of the County's Sesquicentennial Celebration on February 15, 2011.

Commissioners present were Larry Chapman, Chairman Mike Hawkins, Daryle Hogsed, and Vice-Chairman Kelvin Phillips. Commissioner Jason Chappell was absent. Also present were County Manager Artie Wilson, County Attorney David Neumann, and Clerk to the Board Trisha Hogan.

Media: *Hendersonville Times News* – Leigh Kelley
The Transylvania Times – Mark Todd

There were approximately 25 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 HEARING

TRANSPORTATION SECTION 5311 GRANT FY 2011-2012

Transportation Director Keith McCoy requested permission to apply for federal transportation grant funding titled Section 5311. Section 5311 funds allow the County to provide human services and general public transportation services to the citizens of Transylvania County. A Public Hearing is required in order to make application.

Mr. McCoy reported the grant covers most of the administrative and capital costs for the Transportation Department. For FY 2011, the County is requesting to make application for \$236,818 to cover administrative costs and to purchase a replacement van. There is a required local match of 15%, or 32,585. The application is broken down as follows:

Project Share	Total Amount	Local Share
Administrative	\$178,068	\$26,710 (15%)
Capital	\$ 58,750	\$ 5,875 (10%)
	\$236,818	\$32,585

Mr. McCoy plans to bring this item forth to the Board of Commissioners on February 28, 2011 for approval. He announced there were Title VI Public Involvement forms available for the public.

Chairman Hawkins declared the Public Hearing open at 7:05 p.m.

In response to questions from Commissioner Chapman, Mr. McCoy said the State Board of Transportation should approve the grant application in April. The application will be approved before the new fiscal year beginning July 1, 2011. He further explained these funds are considered pass-through monies and the County submits a request for reimbursement of these funds on a quarterly basis. The County is reimbursed less the County match requirement.

There were no comments from the public.

Chairman Hawkins declared the Public Hearing closed at 7:10 p.m.

PUBLIC COMMENT

Gerry Hunsicker: Mr. Hunsicker inquired about a presentation that is posted on the County's website regarding the reclassification of streams and provided arguments to the information provided in the presentation. He believes that the NC Department of Environment and Natural Resources can not support the facts in the presentation, particularly pertaining to the buffer requirements. Mr. Hunsicker said the possible reclassification of Boylston Creek and other streams will adversely impact the rights of property owners and therefore is a violation of the Fifth Amendment to the Constitution.

Commissioners instructed staff to review the information on the website and remove any information that could be inaccurate.

AGENDA MODIFICATIONS

There were no Agenda modifications.

Commissioner Phillips moved to approve the Agenda, seconded by Commissioner Chapman and unanimously approved. (4-0, Commissioner Chappell absent)

CONSENT AGENDA

Commissioner Hogsed moved to approve the Consent Agenda as submitted, seconded by Commissioner Phillips and unanimously approved. (4 -0, Commissioner Chappell absent)

MINUTES

The minutes of the January 24, 2011 regular meeting and sealed closed session were approved. Commissioner Chapman noted he informed the Clerk of an error in the minutes and she had made the correction.

FACILITIES USE REQUESTS

The use of Silvermont on February 19, 2011 from 10:00 a.m. to 2:00 p.m. by the Transylvania County Garden Club for a social gathering and to conduct tours of the facility was approved. The fees were waived.

The use of the Courthouse Gazebo on April 1, 2011 from 8:30 a.m. – 6:00 p.m. by the Children's Center to recognize Prevent Child Abuse Month was approved.

The use of Silvermont on April 29, 2011 from 12 noon to 6:00 p.m. by Charlotte Works for a fundraiser was approved.

The use of the Courthouse Gazebo on June 21 and 28, 2011 and July 5, 12, 19, and 16, 2011 from 6:00 p.m. to 9:00 p.m. by the Tourism Development Authority to conduct old time street dances was approved.

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PRESENTATIONS/RECOGNITIONS

DUKE ENERGY CITIZENSHIP

At the recent Brevard/Transylvania Chamber of Commerce Banquet, Chairman Hawkins was awarded the Duke Energy Citizenship Award in absentia. Sandy Tallant with Duke Energy publicly recognized Chairman Hawkins for receiving this award and thanked him for his commitment to making Transylvania County a better place.

APPOINTMENTS

ADD TASC REPRESENTATIVE TO THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM

The Criminal Justice Partnership Program (CJPP) Board oversees the CJP Program in Transylvania County. To help improve the work and direction of their efforts, the CJPP Board requested to add a representative from the TASC (Treatment Alternatives to Street Crime) program to serve on the Board. The TASC program assesses the needs of offenders and acts as a bridge between probation officers and the CJP Program. Offenders are referred to TASC who then offers CJPP services if appropriate. The CJPP Board recommended the appointment of Michelle Miller to the CJPP Board. She is a clinical coordinator with the TASC program in Transylvania County and requested to serve on the CJPP Board.

Commissioner Chapman moved to appoint Michelle Miller to the CJPP Board, seconded by Commissioner Hogsed and unanimously approved. (4-0, Commissioner Chappell absent)

JOINT HISTORIC PRESERVATION COMMISSION

Commissioner Hogsed nominated and moved to appoint Connie Kay Hughes to fill the unexpired term of Terri Trimble. The motion was seconded by Commissioner Phillips.

Commissioner Chapman nominated and moved to appoint Betty Sherrill to fill the unexpired term of Terri Trimble. The motion was seconded by Chairman Hawkins.

The motion to appoint Connie Kay Hughes passed by a vote of 3 to 1 with Commissioner Chapman voting against. (Commissioner Chappell absent) The motion to appoint Betty Sherrill failed by a vote of 1 to 3, with Chairman Hawkins and Commissioners Hogsed and Phillips voting against. (Commissioner Chappell absent)

Chairman Hawkins nominated and moved to appoint Betty Sherrill to fill the unexpired term of Robert Raspanti. The motion was seconded by Commissioner Hogsed.

Commissioner Chapman nominated and moved to appoint Jeff Carter. The motion died for a lack of a second.

The motion to appoint Betty Sherrill passed unanimously. (4-0, Commissioner Chappell absent)

OLD BUSINESS

COMMUNITY TRANSPORTATION SERVICE PLAN

On January 24, 2011 Travis Pollack with the firm Gannett Fleming gave a presentation during the public hearing on the proposed five-year Community Transportation Service Plan (CTSP) for Transylvania County. Every county must have an approved CTSP in place to continue receiving funding under the Community Transportation Program. By adopting the plan, Transylvania County agrees to implement the recommendations in accordance with the schedule provided that funding is available at the local, State and federal levels. This statement is included in the proposed resolution. The specific recommendations for FY 2011 and FY 2012 include:

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FY 2011

1. Formalize City Cab contract; develop fully allocated cost model; develop better data collection and monitoring
2. Develop marketing plan

FY 2012

1. Study possibility of billing human services agencies
2. Increase midday services to general public
3. Determine if providing Medicaid trips within the County is cost effective; implement
4. Begin using minivan for dialysis trips

The financial impact will remain unknown until the analysis is complete.

The Manager asked Commissioners to adopt Resolution 05-11 Resolution for the Adoption of Community Transportation Service Plan for Transylvania County.

Commissioner Phillips moved to approve Resolution 05-11 Resolution for the Adoption of Community Transportation Service Plan for Transylvania County. The motion was seconded by Chairman Hawkins. Commissioner Chapman noted the significant amount of funding required to implement the recommendations. The motion was unanimously approved. (4-0, Commissioner Chappell absent)

(Resolution 05-11 Resolution for the Adoption of Community Transportation Service Plan for Transylvania County is hereby incorporated by reference and made a part of the minutes.)

NEW BUSINESS

FY 2010-2011 PUBLIC SCHOOL FACILITY NEEDS SURVEY

The Transylvania County Board of Education is required to submit a Facility Needs Survey which lists all needed facilities improvements and additions to accommodate projected enrollments through the 2015-2016 school years, as well as improvements to existing facilities to provide safe, comfortable environments that support the educational programs.

The Facility Needs Survey indicates the current school enrollment of 3,554 to decline slightly by 36 students in 2015-2016. The Survey also indicates a need of \$14,223,369 over a five-year period for additions, renovations, and furniture and equipment.

The Board of Commissioners is required to authorize the Chairman to certify that the County has received a copy of the Transylvania County School Facility Needs Survey prior to submission to the State Board of Education. Adoption of the Survey does not constitute an endorsement of or a commitment to fund the items listed in the Survey.

Commissioner Chapman inquired about whether or not the desire for a turf field at Brevard High School was included in the survey. Board of Education Vice-Chair Tawny McCoy responded and informed Commissioners that this plan does not include the need for athletic facilities because it is not required for this plan.

Commissioner Phillips moved to authorize the Chairman to certify that the Board of Commissioners has received a copy of the Transylvania County School Facility Needs Survey. The motion was seconded by Commissioner Hogsed and unanimously approved. (4-0, Commissioner Chappell absent)

TRANSFER SURPLUS VEHICLE TO CEDAR MOUNTAIN FIRE DEPARTMENT

The Sheriff's Office has seven surplus vehicles in its possession due to the recent purchase of new vehicles. The Cedar Mountain Volunteer Fire Department has requested that the Board of Commissioners convey one of the old patrol vehicles to them as allowed per NCGS 160A-277. In order for this to occur, notice shall be given by publication describing the property to be conveyed stating the value of the vehicle, the proposed monetary consideration or lack thereof, and the Commissioners' intent to authorize the conveyance. This notice must occur ten days prior to approval by Commissioners at a regularly scheduled meeting. The Manager reported the value of the vehicle is estimated at \$1,500.

Commissioner Hogsed moved to authorize staff to proceed with the 10 day notice as required by NCGS 160A-277, seconded by Commissioner Phillips and unanimously approved. (4-0, Commissioner Chappell absent)

REQUEST TO FILL POSITIONS

The Board of Commissioners enacted a temporary hiring freeze on January 13, 2011. The resolution includes a provision that allows for positions to be filled if exigent circumstances exist or if approved by the Board of Commissioners. The following positions are either vacant or will become vacant within the next two weeks:

1. Tele-communicator II – last day February, 2011 (critical E911 position)
2. Cook for Detention Center – last day January 31, 2011 (essential for operation of the Detention Facility)
3. Part-time Transport Officer (transports inmates to and from court)
4. Part-time Cook for Detention Center

The Manager recommended filling all the above positions and noted that all these positions are currently budgeted for in the current year.

Commissioner Chapman expressed concern about next year's budget and asked if any of these positions could be filled part time. Captain Eddie Lance responded about the positions with the Sheriff's Office. He said it is not possible to fill the cook's position part time because of the stringent guidelines placed upon jails by the State government. There are strict guidelines pertaining to calories, special diets for some inmates, etc. and all utensils must be accounted for upon return from the inmates. Captain Lance said it is possible to hire a part time Transport Officer; however he noted that the Transport Officer also travels somewhat frequently. The only savings by opting to hire part time staff would be in benefits. He pointed out there are people ready to fill these positions.

With regards to the Tele-communicator II position, the Manager noted the difficulty in filling the position part time. The person in this position works 12-hour shifts and there are two per shift.

Commissioner Phillips moved to approve the recommendation to fill all four positions as listed above. The motion was seconded by Commissioner Hogsed. Commissioner Phillips noted the importance of pointing out that none of these are new positions. Commissioner Hogsed agreed saying these positions are important in order for the County to provide required services and is a matter of public safety. **The motion was approved unanimously. (4-0, Commissioner Chappell absent)**

PURCHASE OF A FINGER PRINT COMPUTER, ENCRYPTION DEVICE AND PRINTER

The finger print computer used by the Sheriff's Office for concealed carry permit applicants and others requiring background checks has failed. The cost of the computer, encryption device, printer and one-year maintenance agreement is \$18,195. Funds will have to come from the Contingency line item leaving a balance of \$67,405. The Manager noted that through December concealed weapons permit fees were approximately \$7,000 over budget.

Captain Eddie Lance pointed out that the equipment is approximately eight years old which is the average life expectancy. He noted that the encryption device has to be approved by the FBI. He also noted that the new software can be remotely repaired by the SBI. In response to a question from Commissioner Hogsed, Captain Lance said the software can not be transferred to another computer because the software belongs to the company.

Chairman Hawkins moved to approve the purchase of the computer, encryption device, printer and one-year maintenance agreement for \$18,195 and approve a budget amendment transferring funds from the Contingency line item to the Sheriff's Office to cover this expenditure. The motion was seconded by Commissioner Phillips and unanimously approved. (4-0, Commissioner Chappell absent)

PURCHASE OF JURY SEATING

The jury seats have been removed from the large courtroom because they are in poor condition and unsafe for use. Staff, along with the Clerk of Court, has reviewed and approved the new jury seats. The new seats will be secured to the floor for safety purposes. Funds are available from the Court Facility Fees Reserve to purchase the seats. The cost of 14 jury seats is \$7,909.87 and is the least expensive chair staff was able to find. The jury chairs are specially made and therefore can not be purchased locally.

Commissioner Chapman moved to approve the purchase of 14 jury seats at a cost of \$7,909.87 and to approve a budget amendment transferring funds from the Court Facilities Reserve fund to the Court Facilities fund. The motion was seconded by Chairman Hawkins. Commissioners discussed this item at length and expressed concern about the cost. Commissioner Hogsed does not believe this is a reasonable purchase and said that other alternatives should be considered. Court Sergeant Jimmy Jones pointed out that chairs can be used as an instrument to harm people in courtrooms. He said it is important that the new chairs are secure as well as comfortable and durable for jurors and others that use them on a frequent basis in the courtroom. Commissioner Phillips preferred that staff seek less expensive options through this vendor or perhaps through another vendor. Chairman Hawkins said he would prefer to provide a good chair for those people who are giving their time to do something that is fundamental to the judicial system. **The motion failed by a vote to 1 to 3, with Commissioners Chapman, Hogsed, and Phillips voting against. (Commissioner Chappell absent)**

Commissioners directed the Manager and staff to seek less expensive alternatives.

Commissioner Hogsed moved to approve a budget amendment to just include the carpet that was recently installed in the large courtroom. The motion was seconded by Commissioner Phillips and unanimously approved. (4-0, Commissioner Chappell absent)

MANAGER'S REPORT

The Manager reported the following:

1. Tuesday, February 15 is the Opening Ceremony for the County's Sesquicentennial Celebration. There will be historical exhibits on display beginning at 5:00 p.m. and the ceremony begins at 6:00 p.m. At 5:50 p.m. churches in the County will ring their bells in recognition of the event.
2. The North Carolina Association of County Commissioners sent an email to Commissioners today asking them to review issues they plan to take on in the State Legislature. The Manager asked Commissioners to review the information and respond to him as soon as possible.
3. Staff received information about a new grant opportunity. Planning and Economic Development Director Mark Burrows is meeting with people in the community to see if there is an interest. The grant is a matching grant and would require the approval of the Board of Commissioners. This may be an item for discussion at the next meeting.
4. Two businesses have requested an extension to meet the requirements for the Small Business grant. Staff is moving forward with preparing the necessary documents.

PUBLIC COMMENT

Don Surrette: Mr. Surrette reminded everyone of the opening of the Transylvania County Heritage Museum on Saturday.

Joan Lemire: Ms. Lemire thanked the Board of Commissioners for approving the County Transportation Service Plan. She noted that the County's website has lots of information about transportation services. Ms. Lemire expressed concern about the continued need for these type services in the future and the potential decrease in funding because of the economy.

COMMISSIONERS' COMMENTS

Commissioner Chapman encouraged citizens to make the Board aware of their priorities for the County because the County is facing some difficult economic issues.

Commissioner Hogsed encouraged everyone to attend the Sesquicentennial Opening Ceremony on Tuesday.

Chairman Hawkins noted the Opening Ceremony is the kickoff for a yearlong series of events. He announced that both high schools will simulcast the event live in case of overflow at the Courthouse. It will also be broadcast live on WSQL and on the internet. Chairman Hawkins also commented that the budget process will be different this year and encouraged the public to offer their input.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board

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