

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
April 25, 2016 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, April 25, 2016 at 7:00 p.m. in Commissioners Chambers at the County Administration Building.

Commissioners present were Vice-Chairman Larry Chapman, Chairman Mike Hawkins and Page Lemel. Commissioner Jason Chappell was absent due to a family medical issue. Commissioner Phillips was absent due to a death in his family. Also present were County Manager Jaime Laughter, County Attorney Tony Dalton and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Derrick McKissock

There were approximately 20 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding declared a quorum was present and called the meeting to order at 7:05 p.m.

WELCOME

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

PUBLIC COMMENT

Larry Wilson: Mr. Wilson stated that he read with dismay a recent article in *The Transylvania Times* about the growing homeless teen epidemic in the County. He knows the County ranks well in terms of local funding of schools, but this problem brings to light failures at some level. He strongly urged the Board of Commissioners, the Board of Education and all citizens to come together and do whatever it takes to find solutions to this problem and ensure these teens and their families have a home to go to.

In response to Mr. Wilson, Commissioner Lemel reported that after a recent informal presentation by Brevard High Basketball Coach David Siniard, she worked with the School System to convene a meeting of stakeholders to discuss this very issue. The group identified their top priority as temporary short-term housing for homeless students. There are other resources in the region serving homeless youth and the group will hear a presentation at their next meeting about a new youth shelter in Henderson County. The group is exploring other opportunities as well. Commissioner Lemel assured Mr. Wilson the County is working actively to find solutions to this growing problem.

AGENDA MODIFICATIONS

The Manager reported on the agenda modifications. She requested to add item IV.G Request for Transylvania County's Opinion on Proposed Summit and Stream Name Changes under the Consent Agenda.

Commissioner Chapman moved to approve the agenda as modified, seconded by Commissioner Lemel and unanimously approved.

CONSENT AGENDA

Commissioner Lemel moved to approve the Consent Agenda, seconded by Commissioner Chapman and unanimously approved.

The following items were approved:

MINUTES

The minutes of the April 11, 2016 regular meeting were approved.

UNSEAL CLOSED SESSION MINUTES

On April 8, 2016, the Manager, County Attorney and Clerk reviewed the sealed closed session minutes. The Board of Commissioners recently approved an economic incentive grant for Stone Mountain Cabinetry and Millwork, Inc., aka Project Stone. The sealed closed session minutes that led to the approval of the economic incentive grant should now be unsealed. Commissioners approved unsealing closed session minutes from December 19, 2014, January 12, 2015 and February 22, 2016 and making them available for public inspection.

DISCOVERY, RELEASE AND MONTHLY SETTLEMENT REPORT

Each month the Tax Administrator prepares a listing of proposed releases for that month. The Board of Commissioners has the responsibility of approving the releases. For March 2016 the total tax dollars released was \$423.23 and refunds totaled \$2,319.35. Commissioners approved the March 2016 Discovery, Release and Monthly Settlement Report.

PROCLAMATION-OLDER AMERICANS MONTH 2016

Sylvia Petit with the Department of Social Services chairs the County Council on Aging. Each year the Council on Aging requests that the Board of Commissioners approve a proclamation declaring May of that year as Older Americans Month in order to recognize the many contributions of our senior citizens.

When Older Americans Month was established in 1963, only 17 million living Americans had reached their 65th birthday. About a third of older Americans lived in poverty and there were few programs to meet their needs. Interest in older Americans and their concerns was growing. A meeting in April 1963 between President John F. Kennedy and members of the National Council of Senior Citizens led to designating May as "Senior Citizens Month," the prelude to "Older Americans Month."

Historically, Older Americans Month has been a time to acknowledge the contributions of past and current older persons to our country, in particular those who defended our country. Every President since Kennedy has issued a formal proclamation during or before the month of May asking that the entire nation pay tribute in some way to older persons in their communities. Older Americans Month is celebrated across the country through ceremonies, events, fairs, and other such activities. The 2016 Older Americans Month theme is *Blaze A Trail*. Chairman Hawkins read aloud the proclamation for the benefit of the public. Commissioners approved Proclamation 12-2016 Older Americans Month 2016.

(Proclamation 12-2016 Older Americans Month 2016 is hereby incorporated by reference and made a part of these minutes.)

PROCLAMATION-IN HONOR OF TRANSYLVANIA COUNTY'S CENTENARIANS

May is Older Americans Month. For the past few years an organization within the community has planned a celebration to honor the centenarians in the County. As of this date, staff is unaware of the celebration date. The Board of Commissioners wishes to adopt a proclamation recognizing the centenarians who live in the community and congratulate them on reaching this milestone.

Once staff has the details about the event, the Clerk will ensure that each centenarian in attendance receives a proclamation. Commissioner Lemel read aloud the proclamation for the benefit of the public. Commissioners approved Proclamation 13-2016 In Honor of Transylvania County's Centenarians.

(Proclamation 13-2016 In Honor of Transylvania County's Centenarians is hereby incorporated by reference and made a part of these minutes.)

PROCLAMATION-NATIONAL DAY OF PRAYER

In 1988 both Houses of Congress adopted legislation declaring the first Thursday in May of each year as National Day of Prayer. Commissioners wish to proclaim May 5, 2016 as "A Day of Prayer in Transylvania County". A local event will be held on May 5 at 12:30 p.m. on the front steps of First Baptist Church of Brevard. All pastors, members and elected officials are encouraged to attend. Mayor Jimmy Harris will emcee the event. The Board of Commissioners has adopted similar proclamations over the past few years. Commissioner Chapman read aloud the proclamation for the benefit of the public. Commissioners approved Proclamation 14-2016 National Day of Prayer 2016.

(Proclamation 14-2016 National Day of Prayer 2016 is hereby incorporated by reference and made a part of these minutes.)

REQUEST FOR TRANSYLVANIA COUNTY'S OPINION ON PROPOSED SUMMIT AND STREAM NAME CHANGES

The US Board on Geographic Names (BGN) is responsible by law for standardizing geographic names for use by the departments and agencies of the federal government. The BGN has received proposals to change the names of Negro Mountain and Negro Prong to Revels Mountain and Revels Prong, respectively. These features are located between Brevard and Balsam Grove. The names would honor Hiram Rhodes Revels (1827-1901), the first black member of the US Senate and US Congress. Although Revels did not live in Transylvania County, he was born in North Carolina. With the new names, the proponent wishes to "honor the black history of the area and the first black member of Congress who was an important North Carolinian and senator".

Because local opinion is important to the BGN, they have requested the official opinion of the Board of Commissioners. The Clerk drafted a letter for Commissioners' consideration stating that they have received the request from the US Board on Geographic Names and have no objection to the name change. Commissioners approved the letter as proposed.

PRESENTATIONS/RECOGNITIONS

UPDATE ON 2016 REAPPRAISAL

Tax Administrator Annette Raines provided Commissioners with a brief update on the 2016 reappraisal process. She reported the following:

- Great team and staff helped to ensure a smooth reappraisal process
- NC State Legislature will require counties to hold revaluations every four years in order to lessen the impact to property owners
- Used state-of-the-art software to complete process; Transylvania County served as the test county to develop the software
- 1,452 informal appeals; less than 10% of normal level
- Option to utilize online appeal form for the first time; not utilized greatly, but still used
- Heard all appeals and processed them in a timely manner
- Public relations campaign included reappraisal brochure mailed with tax notice and 18 presentations conducted at various locations around the County
- Board of Equalization and Review convened on April 18 which means, unless there is a clerical error, Tax Administration has completed its portion of the reappraisal process

- Board of Equalization and Review will adjourn on May 16 with the stipulation to hear appeals that are timely filed; once adjourned, the values are set for the current year
- As of this date, there are 12 applications set to appear before the Board of Equalization and Review; staff anticipates several more
- Staff anticipates an increase in the amount of appeals next year when property owners receive their new tax bills based on the new tax rate; however, not being satisfied with the tax bill is not a valid reason for appeal according to NC law

Commissioners thanked Tax Administration staff for their work on completing the reappraisal process and complimented them for helping develop tax appraisal software.

APPOINTMENTS

PERSONNEL BOARD

Nancy Stricker recently resigned from the Personnel Board. The Clerk received one application from City of Brevard Human Resources Director Derrick Swing. Since receiving his application, staff learned that although Mr. Swing works for the City of Brevard, he is not a County resident. The Personnel Board is eager for the vacancy to be filled and respectfully requests that the Board of Commissioners waive the residency requirement and allow Mr. Swing to fill the vacant position. The position is a member-at-large position.

Commissioner Lemel moved to waive the residency requirement and appoint Derrick Swing to fill the vacancy on the Personnel Board. The motion was seconded by Commissioner Chapman.

Commissioner Lemel commented that a committee spent quite a bit of time developing the current Citizen Advisory Council policy and making it a priority to require that people serving on boards and committees were residents of Transylvania County. In this case, however, having the City of Brevard Human Resources Director on this board brings valuable experience to the Personnel Board. Therefore, she is willing to waive the residency requirement. Commissioner Chapman agreed with the recommendation, but encouraged Commissioners to revisit the appointment should the Clerk receive other applications. **The motion was unanimously approved.**

NEW BUSINESS

JUVENILE CRIME PREVENTION COUNCIL

The Transylvania County Juvenile Crime Prevention Council (JCPC) requests funding from the NC Department of Public Safety, Division of Juvenile Justice on an annual basis and allocates the funding to programs that can best fulfill the needed services. For 2016-17, JCPC recommends allocation of funds as follows:

Youth Mediation Services	\$ 26,300
Project Rebound	\$ 39,000
Project Challenge	\$ 20,211
Kids at Work/Aspire	\$ 16,056
<u>Administrative</u>	<u>\$ 2,645</u>
Total	\$104,212

No County funding is required. All matching dollars are made by the receiving agency by either cash match or in-kind match. For 2016-17 the matching portion is expected to total \$87,669.

Commissioner Lemel moved to approve the Juvenile Crime Prevention Council County Plan for 2016-17 and authorize the Chairman to sign the necessary paperwork. The motion was seconded by Chairman Hawkins. Commissioner Chapman commented these funds are provided to agencies who

attempt to help youths already entered into the criminal justice system to overcome whatever issues they have. He is unsure what portion of the funding also supports homeless students who have not entered the criminal justice system. Commissioner Chapman noted that it is going to take the effort of the entire community to help solve the homeless youth problem. Commissioner Lemel noted that each of the agencies is slightly different from one another and it is possible for a child to be involved in more than one program. The Plan's risk assessment summaries indicate Transylvania County ranks higher than the State in many areas that are not positive. There are many challenges, but it begs for a full community response to solve them. Chairman Hawkins added that a key component to that strategy must be mental health services. The risk assessment indicates that nearly 80% of these youths have mental health needs. He strongly believes in the work done by the Juvenile Crime Prevention Council to target the needs of these youths. **The motion was approved unanimously.**

BUDGET AMENDMENTS

Based on Section 28 of the FY 16 Budget Ordinance, certain budget amendments must be submitted to the Board of Commissioners for approval. Below is a summary of amendments that have been requested that require Board approval either because they increase the total General Fund budget by more than \$5,000 and are derived from funding sources that have not been previously approved by the Board and are not simply pass-through funds or because they decrease the total General Fund budget and reflect reductions in projected funding sources.

The Manager gave a detailed account of the circumstances that led up to the need for this budget amendment. Staff discovered an error with the 457 Plan contributions. Since being implemented in 2006, the County has considered 457 Plan contributions as a fringe benefit instead of compensation, but recently learned that the IRS considers 457 Plan contributions as compensation. Since discovery of the error, staff took the necessary steps to change internal processes and examine prevention strategies, report the error to the Board of Commissioners, and self-report to the IRS and immediately pay the FICA from the last three years to avoid any future penalties. Both the County as the employer and employees will have to contribute toward the payback. The Finance Department is working on calculating the impact to employees; employees will be notified as soon as this process is complete.

Finance Director Gay Poor presented the following budget amendment for approval:

#83: \$115,000 from unassigned fund balance for payment of FICA (both employer and employee portion) owed on 457 contributions made by the County in FY 13, FY 14, and FY 15 on behalf of employees in lieu of retiree health insurance, approximately half of which will be recouped through employee deductions by the end of 2016.

If approved, this amendment will increase the General Fund budget by \$115,000, bringing it to a total of \$48,679,118.

Commissioner Lemel moved to approve the requested budget amendment in the amount of \$115,000. The motion was seconded by Commissioner Chapman. Ms. Poor noted that the County's tax attorney does not believe the County will be assessed any penalties because we are self-reporting and making a payment to the IRS by April 30 which is the end of the quarter in which the error was detected. The Manager stated that in order to limit the impact to employees, their payback will occur over a six-month period. The County is making the full payment to the IRS and employees will reimburse the County for their portion. The Manager also reported that this is not typically caught in an audit review. Multiple counties across the State discovered the same error over the last year as well. Assuming there is no penalty or interest payments, the County and the employees will have to pay the FICA obligation each pay period moving forward. In addition, there is no impact to the value of the 457 Plan contributions. Commissioners complimented staff for finding the error and taking the steps to correct it. It is their hope that the NC Association of County Commissioners might reach out to all counties to ensure they are in compliance. **The motion was approved unanimously.**

MANAGER'S REPORT

The Manager reported the following:

- K-mart of Brevard has announced it is closing; NC Works office to assist the 40 people whose job will be lost
- Stone Mountain Cabinetry has received a NC Rural Infrastructure Authority Grant of \$80,000 to facilitate an expansion of 3,500 sq. ft. and bringing eight new jobs
- The Town of Rosman has secured USDA grants and loans to move forward with the Champion Pool project. Kudos to Mayor Shelton for his hard work on the proposal! Staff will need approval of deed and funding agreement documents at the next Board of Commissioners' meeting on May 9
- Early Childhood Initiative update: Town Hall on Child Care had over 100 participants including parents and local employers
- Health Department is 1 of 16 county health departments across the State selected for Mosquito Surveillance Project in an effort to combat Zika virus
- Floodplain Audit to be conducted in early May to ensure the County has properly enforced its Floodplain Ordinance; at risk is FEMA funding and the insurance rating for the floodplain subsidized insurance
- Board of Elections and Wellness Building- parking area rework in June/July; limited parking at this time
- Mission Health meeting later this week to discuss out-of-county transports; out-of-county transports encompass three times the amount of time it takes to perform in-county transports; purpose of discussion to develop plan of action/partnership with Mission Health
- Recommended budget is coming together and will be presented to the Board on May 9; after presentation, the Manager will work to facilitate consensus
- The Clerk to the Board has been appointed to the Board of Directors of the NC County Clerks Association, an important appointment as she continues her professional development

Commissioner Chapman noted that the out-of-county transports the Manager referred to are non-emergency transports. This leads to a shortage of ambulances in the County during true emergencies and is also costly. He thanked the Manager and Operations Manager David McNeill for looking into this issue further. Chairman Hawkins added that this discussion resulted from a recent meeting of public officials and Mission Health leadership. He complimented the Manager and Mr. McNeill for the strong presentation they made at that time and for representing the County's interest.

PUBLIC COMMENT

There were no comments from the public. Chairman Hawkins recognized the new members of the public in attendance tonight who were observing as part of an education requirement.

COMMISSIONERS' COMMENTS

Commissioner Chapman reported that the work to open Champion Pool is moving forward. The efforts of Town of Rosman officials and members of the community should be credited. In other news, Commissioners have been busy with several meetings over the last few weeks. Commissioner Lemel reported that the Early Childhood Initiative continues with monthly meetings. The Town Hall meeting on Child Care was a huge success. The data collected from that meeting is in the process of being compiled into a report. The Teens In Crisis (new name pending) task force meets again in May. Commissioner Lemel attended a recent DSS court session since new procedures were implemented for scheduling cases based on the County having the highest rate of court case continuances in the State. She also helped launch the opening of Senior Games at the Parks and Recreation Center by reciting the Official State Toast. She intends to meet with WCCA to discuss senior issues. Out of the Land-of-Sky region, Transylvania County has the largest percentage of seniors, but is the only county

without a formal independent Council on Aging. Commissioner Lemel attended the NC Association of County Commissioners' district meeting in Haywood County which was a great opportunity to network with other counties in the region and catch up on what is going on in Raleigh. Commissioner Lemel discovered an opportunity to cast a spotlight on domestic violence issues in the community. In response to eight domestic violence deaths in a single year in a county with a population of 275,000, Buncombe County is developing a family justice center where victims of domestic violence and sexual assault can be cared for by their community. Transylvania County's population is approximately 33,000 and there were four domestic violence related deaths reported in a single year. She looks forward to working with stakeholders in the coming month.

Chairman Hawkins moved to enter into closed session per NCGS 143-318.11 (a) (5) to establish or instruct staff or agent concerning the acquisition of real property, after a 5 minute recess, seconded by Commissioner Lemel and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (5) to establish or instruct the staff or agent concerning the negotiation of the price and/or terms of a contract negotiating the acquisition of real property, closed session was entered into at 8:05 p.m. Present were Chairman Hawkins, Commissioners Chapman and Lemel, County Manager Jaime Laughter, County Attorney Tony Dalton, Operations Manager David McNeill and Clerk to the Board Trisha Hogan. Closed session was held in the Arthur C. Wilson, Jr. conference room.

The Manager informed Commissioners of offers to purchase and/or lease County property and was instructed on how to proceed.

Chairman Hawkins moved to leave closed session, seconded by Commissioner Lemel and unanimously carried.

OPEN SESSION

Chairman Hawkins moved to seal the minutes of the closed session until such time that opening the minutes does not frustrate the purpose of the closed session, seconded by Commissioner Chapman and unanimously approved.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board