

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**October 11, 2021 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, October 11, 2021 at 4:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

Commissioners present were Larry Chapman, Chairman Jason Chappell, Vice-Chairman Jake Dalton, David Guice, and Teresa McCall. Also present were County Manager Jaime Laughter and Clerk to the Board Trisha Hogan. County Attorney Julie Hooten participated remotely via Zoom meeting software.

Media: Dan Dewitt – *Brevard Newsbeat*  
Alex Perri – *The Transylvania Times* (participated remotely)

There were approximately 40 people in the audience. The conference rooms in the Administration Building served as overflow spaces to accommodate the number of people in attendance.

**CALL TO ORDER**

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 4:01 p.m.

**WELCOME**

Chairman Chappell welcomed everyone to the meeting. He introduced the Commissioners and staff in attendance.

**PUBLIC COMMENT**

*The comments made by the public represent the individual speaker's opinion or point of view. The Clerk to the Board did not attempt to vet their statements for accuracy or modify them based on facts.*

Addison Bradley: Ms. Bradley has served as a Livestock Agent for the NC Cooperative Extension Service for the last five years. On October 4, she became the County Extension Director. She said she is excited to continue her role as the Livestock Agent while adding the administrative aspect of the job and that she looked forward to working with the Board of Commissioners as an advocate for local agriculture.

Kathleen Barnes: Ms. Barnes is the chair of the Transylvania NCAAP. She asked the Board of Commissioners to support a resolution urging the State Legislature to pass the expansion of Medicaid. She cited the following data which she provided to the Commissioners in a handout: 1,983 Transylvania County residents and 624,000 people in North Carolina will have health coverage with the expansion; it will provide 71 new jobs in Transylvania County, half of which will be in healthcare; and the expansion will bring in an estimated \$198,000 in tax revenues to the County and put \$11.7 million into the local economy. Ms. Barnes pointed out that North Carolina is one of only 12 states that have not yet subscribed to expanded health coverage for working people and that taxpayers have been paying into the federal coffers without getting back the benefits. She stated that now is the time for change and she urged the Board to back the resolution on the agenda for consideration.

Tom Oosting: Tom Oosting was a member of the Cedar Mountain Smaller Area Planning Committee until it was discharged by the Commissioners in May. He stated that the 2025 Transylvania County

Comprehensive Plan and the efforts of the Cedar Mountain Steering Committee's 2017 survey reinforced the need for important infrastructure development, measured growth, and respect for the individual property owner. Ms. Oosting stated that the Cedar Mountain Small Area Plan is an articulate community-supported plan and provides tools for the County's Planning Board to consider for drafting a land-use plan. The Plan includes goals for protecting agricultural lands, cultural heritage, and historic properties; encouraging economic development and workforce opportunities; and supporting improvement in infrastructure and broadband. The Plan also values a vibrant community center and the development of greenways, bikeways, parks, and safe traffic planning. Furthermore, the Plan outlines the goals that seek to protect the scenic and aesthetic beauty, ecological communities, and health of rivers, streams, and lands. Mr. Oosting stated that 34% of Cedar Mountain residents responded to the survey which was much higher than the 11% that responded to the 2025 Comprehensive Plan. He asked the Board to support the Cedar Mountain Small Area Plan so that it can be a model for other communities in Transylvania County.

Lucia Gerdes: Ms. Gerdes asked Commissioners to adopt the Cedar Mountain Small Area Plan. She stated that small area plans are the foundation for good local governance and identify ways in which citizens would like to see local resources applied and allocated. The Committee discussed the need for or lack of parks and recreation, economic development, bike lanes, countywide resources, transportation services, and historical preservation opportunities. The Plan itself memorializes the history of Cedar Mountain and the uniqueness of its natural resources and expresses the community's desires for form-based codes and watershed protection. Ms. Gerdes stated that the expansion of two Dollar General stores in the County is an example of why small area plans are needed and how the lack of ability to address planning and development at the County level negatively impacts businesses. Ms. Gerdes stated that form-based code does not prohibit investment but lays out the aesthetic expectations neighborhoods desire for their community. She again urged the Board to approve the Cedar Mountain Small Area Plan and emphasized that leaving the County's future planning in the hands of angry mobs of citizens and large out-of-state developers is not in line with the best practices of functioning local governments.

Jami Reese: Ms. Reese reported that she has attended and spoken at the last four Board of Education meetings regarding what she feels is the abusive and unlawful treatment of children. In addition to the mismanagement of mass quarantines and COVID testing protocols, she stated there is a lack of transparency by the Board of Education. She cited the Board of Education's meeting minutes as not accurately reflecting the items discussed. Ms. Reese also accused the Board of Education of violating the NC Open Meetings Law during its September 20 meeting. Due to technical issues, the audience could not hear the discussions that were taking place and the Board of Education did nothing to remedy the issues. Ms. Reese was also concerned about how the Board of Education intends to use ESSR funds. In addition, she said the School System seems to have no endgame for moving on from the pandemic. She asked the Board of Commissioners to assist citizens with resolving these issues with the School System by taking a look at their lack of transparency, use of funds, and failure to follow their policies.

Susan Sunflower: Ms. Sunflower asked the Board to consider the passage of a resolution in support of expanding Medicaid because it will insure almost 2,000 residents, including inmates. She pointed out that Sheriff Mahoney publicly expressed support for funds to restore mental health and substance abuse treatment. She reemphasized Ms. Barnes's earlier comments about citizens not benefitting from their federal tax dollars and she again urged the Board to consider supporting the resolution.

Betty Scruggs McGaha: Ms. McGaha encouraged the Board to support a resolution for Medicaid expansion in North Carolina. She reported that the ACA Medical expansion, if approved in North Carolina, would provide coverage options for approximately 2,000 people in Transylvania County who have limited access to employer coverage and limited income to purchase coverage on their own. She reported that people in this coverage gap have limited family income, live below the poverty level, and

are likely to be employed in very low-paid jobs or employed part-time. Ms. Scruggs stated that additional federal Medicaid revenue will lead to increased health care revenue, which translates to increased employment, business, and consumer activity. She emphasized that local employers need healthy workers, and the medical clinics and hospitals need fewer unpaid medical services. She urged the Board to consider the resolution before them on the meeting agenda.

Mark Tooley: Mr. Tooley served as a member of the Cedar Mountain Small Area Plan Committee. He asked the Board to respect the work and wishes of the citizens regarding how they want to see their community grow and develop by approving the Cedar Mountain Small Area Plan. He stated that the Cedar Mountain residents want their community to reflect its rural character and its cultural heritage, protect its natural resources, and for future development to reflect the community's values and provide opportunities for small businesses. The residents also want better broadband service so they can participate in the economy, facilities that encourage greater community interaction, and safe and efficient transportation. Mr. Tooley stressed that the Cedar Mountain Small Area Plan does these things. He cited the Pisgah Forest Community Zoning Ordinance as a model for applying similar concepts. He asked Commissioners to approve the Plan and implement the tools as recommended.

### AGENDA MODIFICATIONS

The Manager requested to add the Johnson Street Property Sewer Agreement to the Consent Agenda. There were no further modifications.

**Commissioner McCall moved to approve the revised agenda, seconded by Commissioner Chapman, and unanimously approved.**

### CONSENT AGENDA

**Commissioner Guice moved to approve the Consent Agenda as presented, seconded by Commissioner McCall, and unanimously approved.**

The following items were approved:

#### MINUTES

On May 24, 2021, the Board of Commissioners met in a regular session, held a solid waste workshop, and met in a closed session in which the minutes were sealed. The Board of Commissioners approved the minutes as submitted.

#### RURAL OPERATING ASSISTANCE PROGRAM FUNDING

The Rural Operating Assistance Program (ROAP) is a state-funded public transportation program administered by the North Carolina Department of Transportation Integrated Mobility Division (IMD). ROAP consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), the Employment Transportation Program (EMPL), and the Rural General Public (RGP) Transportation Program into a single application package.

The programs included in the ROAP application are:

- EDTAP provides funds for the transportation of the state's elderly and disabled citizens.
- EMPL funds can be used for trips for individuals who have transitioned off the Work First Program within the last 12 months; for participants in Workforce Development Programs; and/or for transportation for the disadvantaged public.

- RGP funds are intended to provide transportation services for individuals from the County who do not have a human service agency or organization that will pay for the transportation service. A local match is required for RGP trips. Funding may be used to provide up to 90% of the fully allocated cost to provide a public trip. A minimum of 10% must be provided from fares, local funds, or a combination of the two.

The application deadline is October 31, 2021. Upon approval, Transylvania County will apply for the following FY 2022 Rural Operating Assistance Program funds:

<b>State-Funded Rural Operating Assistance Program</b>	<b>Allocated</b>	<b>Requested</b>
Elderly and Disabled Transportation Assistance Program	<b>\$71,490</b>	<b>\$71,490</b>
Employment Transportation Assistance Program	<b>\$10,300</b>	<b>\$10,300</b>
Rural General Public Program	<b>\$76,339</b>	<b>\$76,339</b>
<b>TOTAL</b>	<b>\$158,129</b>	<b>\$158,129</b>

The Board of Commissioners granted permission for Transylvania County Transportation to apply for the FY 2022 Rural Operating Assistance Program funding and provide the necessary assurances and the required local match.

#### JOHNSON STREET PROPERTY SEWER LINE AGREEMENT

Property located at 134 South Johnson Street, next to the County's Community Services Building, is currently for sale. Due diligence by the purchaser revealed that the sewer line servicing the Community Services Building runs underneath the Johnson Street building. There is no recorded easement, and the structure was built over the top of the line several decades ago. To mitigate risk to both parties, the Board of Commissioners authorized the County Attorney to prepare an agreement with the purchasers authorizing them to relocate the line. The County will contribute \$6,250 toward the cost of the relocation provided that the purchaser grants an easement and conducts cleanouts on any bends in the line. The Board authorized the Chairman to sign the agreement and for staff to issue the funding as accounted for in the agreement with funds to come from the fund balance.

### **PRESENTATIONS/RECOGNITIONS**

#### COVID-19 UPDATE

Public Health Director Elaine Russell updated the Board on the COVID-19 pandemic and the vaccine program. This is a summary of her presentation:

- In Transylvania County:
  - 51% fully vaccinated (17,382)
  - 52% partially vaccinated (18,051)
- Agency currently providing:
  - 1<sup>st</sup> and 2<sup>nd</sup> doses of Pfizer and Moderna
  - Additional doses of Pfizer and Moderna for immunocompromised
  - Pfizer booster for high-risk groups
- Vaccines for children
  - Pfizer has applied to FDA for authorization of vaccine for ages 5-11 (same vaccine, but one-third of the adult dose); FDA will meet and discuss later this month, then ACIP and CDC will make recommendations
- Vaccine boosters

- FDA meets this week to discuss expanding authorization for booster doses for Moderna and J&J vaccines; then ACIP and CDC will make recommendations
- Pfizer boosters are currently approved for those at high risk of severe illness (ages 65+, in long-term care facilities, with underlying medical conditions, and with work exposures)
- In Transylvania County
  - 73 new cases were reported in the past 7 days which is a significant reduction from the last report
    - 30% (22) of the 73 are 0-17 years of age
    - 21% (15) of the 73 are 0-11 years of age
- NCDHHS released the updated StrongSchoolsNC Toolkit on October 5
  - Expanded close contact exception for quarantine to all individuals (adults and students) in school settings if masking and other layered prevention strategies are in place
    - Based on new data from ABC Collaborative (research from Duke University)
    - If both individuals (person with COVID-19 and potentially exposed person) are wearing a mask appropriately and consistently the entire time of exposure, then quarantine is not necessary
    - Applies in classrooms, other in-school settings, and school transportation but not extracurricular activities, including athletics
  - Clarifies legal requirements and required control measures for schools
- NCDHHS released guidance for at-home tests last week; Transylvania Public Health now working to implement new guidance
  - Local health departments and schools can choose to accept at-home test results where testing resources are limited, or other results are not available
  - Providers are required to report at-home results to the local health department; individuals are not required to report at-home results
  - At-home results (positive and negative) can be entered into NC COVID at the discretion of the local health department
    - Will be noted as “suspect” cases in the software
    - Can be counted in case numbers, outbreaks, and clusters
  - Positive at-home results will trigger official follow-up for case investigation and contact tracing

Commissioner McCall commented that based on the updated guidance in the toolkit for schools, no students should be sent home to quarantine as long as they were wearing masks. She looked forward to seeing a reduction in the number of students being quarantined as a result. She was pleased that the protocols are changing, and the restrictions are being loosened. She said she remains frustrated with how the decisions are made on when to quarantine students. She thanked Ms. Russell and her staff for all the work they continue to do for the community.

#### CLOSING NORTH CAROLINA’S HEALTH INSURANCE GAP

Casey Cooper, CEO of Cherokee Indian Hospital Authority gave a presentation to the Board of Commissioners on closing the health insurance gap in North Carolina via Medicaid expansion and the impact that would have on Transylvania County. Brittney Lofthouse with Care4Carolina accompanied him. This is a summary of the presentation:

Transylvania County :

- Approximately 20.5% of working non-elderly adults are uninsured
- 1,983 individuals would gain access to coverage with Medicaid expansion
- 71 jobs would be created
- Approximately \$198,000 in new County revenues
- \$11.7 million per year in new business activity

Eastern Band of the Cherokee Indians:

- Approximately 1,000 uninsured would gain coverage
- \$7 million increase in annual revenue at no cost to the State of North Carolina
  - \$7 million is currently being funded by the tribe
- Increased regional investments in housing, infrastructure, broadband, and jobs creation

Transylvania County is in the top 15 in the State for having the highest uninsured proportion of working adults. Rural communities across western North Carolina are disproportionately affected. People fall into the coverage gap for being above 42% of the federal poverty level but below 100% of the federal poverty level. People in this coverage gap receive no subsidies that allow them to purchase health care coverage on the exchange, and therefore coverage is not affordable.

Mr. Cooper stated there is a common misconception that people without health care coverage do not want to work. Study data demonstrates that nationwide about 63% of the uninsured are working. NCDHHS released figures showing that the figure is higher in North Carolina at 76%. It is also estimated that 12,000 veterans in North Carolina are without coverage.

Mr. Cooper stated that closing the coverage gap is important for preserving small rural hospitals. 82% of rural hospital closures nationwide have happened in non-expansion states. Small rural hospitals, like Transylvania Regional, operate on very thin operating margins, and the slightest shift in the payer mix, such as transferring uncompensated patients to Medicaid, can reduce the uncompensated burden on hospitals.

Medicaid expansion could help reduce the burden of providing health care in the jail. Transylvania County currently spends up to \$250,000 annually on inmate healthcare. Medicaid expansion would allow the County to transfer inmates to Medicaid during hospitalizations.

Mr. Cooper stated that another common misconception is that Medicaid expansion is not affordable. He reported that Medicaid expansion is estimated to bring in an additional \$5 billion a year to the State of North Carolina to cover the expanded population, of which 90% is covered by a federal match. He said spending \$500 million to get a return on investment of \$5 billion is a good investment. The State has identified that it can fund the match through assessments of hospitals and health plans and cost reduction to other programs. It is foreseeable and anticipated that the match will cost the State nothing going forward.

Mr. Cooper stated that due to the good stewardship of elected officials in North Carolina, the time is ideal for expanding Medicaid, particularly with the additional incentives that were included in the federal American Rescue Plan. The American Rescue Plan will provide additional incentives to the State estimated to be \$1.7 billion in the eight quarters following expansion, giving time for hospitals, health plans, and the other types of providers to ready themselves for the assessments that intend to fund the 10% State match.

Another misconception is the concern that in the future the federal government may reduce its match and push more of the burden onto states. Mr. Cooper reported that the Affordable Care Act guarantees 90% of the funding unless Congress passes another amendment to the Social Security Act.

Mr. Cooper stated there are people in this community who are one medical episode away from bankruptcy. He provided a brief recap of the common misconceptions about Medicaid expansion and concluded his formal presentation. He called for questions and comments from Commissioners.

Commissioner Chapman stated that the federal government is in the process of debating President Biden's "Build Back Better" \$2.5 trillion plan, which includes medical coverage. He asked how that bill would impact Medicaid expansion in North Carolina if passed. He shared that he has read articles indicating there would be a negative impact. Mr. Cooper stated the supporting legislation is within the Affordable Care Act and American Recovery Plan and that the monies in the infrastructure bills have nothing to do with Medicaid expansion.

Commissioner Chapman asked Mr. Cooper if he was aware that at least six states (Alaska, Arizona, Ohio, Utah, Arkansas, and Massachusetts) have moved back benefits that they had promised because the plan is unsustainable. Mr. Cooper was unaware of this and commented that Alaska had yet to expand Medicaid. He informed the Board there is positive data about Ohio and its successful Medicaid expansion efforts.

Commissioner Chapman asked why Medicaid expansion has not been passed in North Carolina if no negative data is indicating otherwise. Mr. Cooper said there is a lot of misunderstanding about Medicaid expansion. In addition, the North Carolina General Assembly has been extremely conservative fiscally and has had a tremendous amount of concern for the long-term financial sustainability of the State budget. There is also available data from states that have expanded successfully that was previously unavailable. Mr. Cooper believes there is a more fiscally sound path going forward and the incentive funds should make a positive impact as well.

Commissioner Guice referred to Commissioner Chapman's comments about the six states that moved back promised benefits due to the unsustainability of the program and pointed out this is not accurate. He reported that nine expansion states (Arizona, Arkansas, Illinois, Indiana, Michigan, Montana, New Hampshire, New Mexico, and Washington) have trigger laws that eliminate Medicaid expansion if it becomes a budget burden, but none of them have rolled back expansion. Some states have instituted work requirement provisions as a public policy, not because of financial or unsustainability issues. Commissioner Guice stated the members of the North Carolina Legislature continue to push the same talking points to their constituents about the Medicaid expansion and they continue to be wrong.

There were no further comments or questions. The Board will consider a resolution later in the agenda.

## **OLD BUSINESS**

### CEDAR MOUNTAIN SMALL AREA PLAN

Planning and Community Development Director Allen McNeill presented this item and provided a brief history of the project. In 2019, the Board of Commissioners approved a small area plan process. In September of the same year, the Board of Commissioners appointed members to the Cedar Mountain Small Area Planning Committee. It was the first committee of its kind in Transylvania County to prepare a small area plan. The Committee, along with Planning and Community Development staff, have worked through each point in the process. They are currently in the last stage of finalizing and refining the plan and seeking Board approval.

The Cedar Mountain Small Area Planning Committee defined its planning area and drafted a mission statement. They developed goals around several topics, including agriculture, community character and design, community facilities and services, economic development, land use and development, natural resources, and transportation.

The Board of Commissioners hosted a public hearing to receive feedback on the draft plan on May 10. On May 24, the Board formally discharged the Cedar Mountain Small Area Planning Committee since it finished the requirements tasked to them. Staff recommended the Board of Commissioners consider the

draft small area plan for adoption as presented or with modifications, table consideration for a future meeting, or provide staff with other directions as appropriate.

Chairman Chappell opened the floor for discussion. He also thanked the staff for all their work and the citizens for their input.

Commissioner Chapman asked if the Board should assume that other communities will ask to complete a similar process if this plan is approved. He also asked if 19 months is the standard timeframe to complete the small area planning process. Mr. McNeill responded that if the Board chooses to direct staff to work with another community on a small area plan, he anticipated the timeframe to be quicker. He reminded the Board that staff embarked upon this task at a time when meeting in public was very difficult due to the pandemic. There was also staff turnover in the Planning Department. He felt the process took longer being it was the first small area plan ever conducted in Transylvania County. He expected in the future it would take 8-12 months.

Commissioner Chapman asked about the timeline for implementing the regulations if approved. Mr. McNeill explained those decisions would come from the Board. The small area plan is not a regulatory document. Other processes must occur to implement any of the desired regulations, and the timeline would depend on which regulations were implemented

Commissioner Guice referred to the Comprehensive Plan that was adopted unanimously by the Board of Commissioners on March 27, 2017, and noted it is referenced in the introductory paragraph of the Cedar Mountain Small Area Plan. He pointed out that the Comprehensive Plan states that areas identified as designated growth areas of commercial nodes could be prioritized for future small area planning, so the Comprehensive Plan was intended to serve as a roadmap for the Cedar Mountain Small Area Plan. Commissioner Guice expressed that some questions remain unanswered, such as the number of additional staff that would be needed to implement the plan. He stated he is a proponent of planning because it prepares communities for the future.

Commissioner Chapman questioned the need for having a small area plan if it cannot be enforced without regulations. Mr. McNeill explained that a small area plan is best used as a reference tool to implement regulations if and when appropriate. He pointed out that statutes refer to land use regulations as having documented plans to validate the need for regulations. For clarification purposes, he stated that the adoption of the plan is not an agreement to implement regulations.

Commissioner McCall asked if acceptance of the plan means there is intent to implement the recommendations. Mr. McNeill confirmed that the adoption of the plan does not formally charge staff with preparing or installing the tools identified in the plan.

Chairman Chappell pointed out that this Board routinely accepts reports which is a different action than approving reports and implementing recommendations from reports.

Commissioner Guice reminded Commissioners that other communities have expressed interest in developing a small area plan that would define their community and identify community concerns. He also reminded Commissioners that Cedar Mountain was directed by the Comprehensive Plan to complete this process. Cedar Mountain does not have the infrastructure and those residents are concerned about the future of the corridor and the negative impact it could have on the character of their community.

Commissioner Guice pointed out that the small area plan process consequently involves a lot of staff time in an already small department so at some point this Board will need to have discussions on expanding



the department. He felt it was unacceptable to ask a community to participate in this process just to shelve the plan and not address the issues identified in the plan.

Commissioner Dalton shared that he contacted the Building Permitting Department to inquire about the staff needs if the Board implemented a form-based code. Staff informed him the department is already overwhelmed with work and would need to hire at least two additional staff to meet any new code requirements.

Commissioner Guice questioned why the survey indicates a percentage of respondents did not rent or own property in Cedar Mountain. Mr. McNeill reported that the survey was not made exclusively to property owners or residents in Cedar Mountain. The members of the committee discussed that since a large portion of the community is public land, that participants should not have to own property in that community to complete the survey. With that said, he felt that a 34% participation rate is very good based on his experience.

Commissioner Guice stated that in researching this topic further, he learned about the Pisgah Forest Community Zoning Ordinance that placed the County in a State category of having some zoning. He states that Commissioners, at the time of its passage, must have found some value in it. He asked for further explanation. Chairman Chappell explained that zoning the corridor in Pisgah Forest was a unified community-led effort.

Commissioner Guice followed up by saying that the residents of Cedar Mountain share some of the same concerns that the Pisgah Forest residents had. He wanted to understand how best to move forward knowing that other communities have the same concerns.

Chairman Chappell stated that he voted against the small area plan process when it was presented to the previous Board for approval, and he still has the same concerns. He stood strong in his stance that the community should be unanimous in its support of a small area plan because it affects every member of the community. Furthermore, any regulations adopted by the Board would have an impact on surrounding communities and potentially countywide. Before this meeting, he received phone calls and emails from citizens both for and against approving the Cedar Mountain Small Area Plan. He was appreciative of the work that went into creating the document, but he was not in favor of any Board action other than accepting the plan as presented.

Commissioner Guice stated it would be difficult to identify specific modifications without having further discussions. He felt it was important to determine the cost of implementation, such as additional staff, before taking any action.

**Commissioner Guice moved to consider the Draft Cedar Mountain Small Area Plan and table it for consideration for a future meeting. Commissioner Chapman seconded the motion.** Commissioner Chapman felt that implementation of this plan would constitute spot-zoning and thus the Board should decide if it is willing to enact spot-zoning in multiple communities. He also posed that if communities feel strongly about the need whether it was time to have discussions on countywide zoning. He felt the County was not ready for countywide zoning. He reminded the Board that more than half of Transylvania County is already regulated by being part of the Pisgah National Forest, State parks and forests, conservation easements, municipalities, homeowners' associations, and various ordinances and laws that fall under floodplain and steep slope regulations. To him, to adopt the plan without implementing regulations does not do the plan justice. Commissioner McCall agreed with Commissioner Chapman's comments related to zoning and noted that the document repeatedly refers to regulations and ordinances which will take considerable staff time and funds to implement. She was against tabling the plan until a future meeting because there was no timeframe identified. Like Chairman Chappell, she also received

communication from citizens both for and against, so she was more inclined to table the plan indefinitely. Commissioner Guice reiterated that the residents of Cedar Mountain are concerned about the future of their community and how change might impact the community's character. He stated that if the Board intends to shelve this plan, then a review of the Comprehensive Plan is warranted because it is that plan which served as a roadmap for the Cedar Mountain community to develop the small area plan. Commissioner Guice also emphasized that the Planning Board, made up of conservative-minded individuals, saw a need during the development of the Comprehensive Plan to include the small area plan and unanimously supported the Comprehensive Plan. The Board of Commissioners at the time also unanimously supported the Comprehensive Plan. While he understood that other Commissioners received feedback from citizens who did not support this plan, he received communication with overwhelming support. Commissioner Guice stated he did not include a timeframe in his motion because he wanted to give staff ample time to conduct the work to determine the costs and resources needed for implementation. There was no further discussion, and **the motion passed by a vote of 3 to 2, with Chairman Chappell and Commissioner McCall voting against.**

Chairman Chappell called for a 10-minute recess. He reconvened the meeting at 6:01 p.m.

#### OFFER TO PURCHASE UNSOLD FORECLOSED PROPERTY IN CONNESTEE FALLS

The County received an offer from Michael Whitaker to purchase an unsold foreclosed lot in Conneestee Falls. At the time of the foreclosure sale, there were no bidders and Transylvania County acquired ownership of the lot. Mr. Whitaker offered to purchase the lot for \$15,000. The current tax value is \$20,000. By statute, any offer to purchase county-owned property must follow the upset bid process, if accepted. On September 13, the Board of Commissioners accepted the offer and approved a resolution that described the property, the amount and terms of the offer, set the terms of the deposit requirements (at least 5% from the offeror by statute), detailed the upset bid procedures, and set the deadline for accepting or rejecting the final bid. The upset bid period ended October 4 and there were no upset bids offered.

**Commissioner Dalton moved to approve the final sale of the property to Michael Whitaker for \$15,000 cash plus closing costs and instructed staff to work with County Attorney to complete the sale and transfer the title to the buyer by Special Warranty Deed upon receipt of payment in full, seconded by Commissioner McCall and unanimously approved.**

#### NEW BUSINESS

#### REQUEST FOR EXCISE TAX REFUND

Finance Director Jonathan Griffin presented this item. He reported that the County received a request from a local law firm for a refund of excise taxes that were paid to the Register of Deeds on a conveyance of a real estate transaction. N.C.G.S. § 05-220 requires the Board of Commissioners to conduct a hearing on the matter and then decide whether a refund is in order. For the hearing, Mr. Griffin reported the facts necessary for the Board of Commissioners to arrive at a decision.

The attorney firm Ramsey and Pratt submitted a request in writing which the County received on August 25. The request was postmarked on August 23. The request outlined the error in the transaction in that the original recorded deed had the wrong sales price on it. The firm paid \$1,950 in excise taxes rather than \$1,000. The firm followed statutory procedure by making its request in writing and within six months of the date on which the excise tax was paid. Mr. Griffin notified the firm on September 29 that the Board of Commissioners would conduct the hearing during the October 11 meeting. This satisfies the statutory requirement that the County must respond to the requestor within 60 days and conduct a hearing within 90 days of receipt of the request. The firm must also record a corrected deed with the Register of Deeds as part of the process to meet the statutory mandate.

Staff recommended the Board authorize a refund of \$950. If approved, staff will notify the Department of Revenue that the County has approved a refund. Then Department of Revenue will then conduct its assessment. If they feel the refund was made in error, they will claw it back from the County. The Board of Commissioners could also deny the request for a refund at which time staff will notify the firm. The firm could then appeal to the Department of Revenue.

**Commissioner Chapman moved to authorize a refund of \$950 from excise tax revenues and follow the correct procedures to issue the refund, seconded by Commissioner Guice and unanimously approved.**

RESOLUTION IN SUPPORT OF CLOSING NORTH CAROLINA'S HEALTH INSURANCE GAP

Casey Cooper, CEO of Cherokee Indian Hospital Authority, gave a presentation to the Board of Commissioners earlier during the meeting on closing the health insurance gap in North Carolina via Medicaid expansion and the impact it would have on Transylvania County. He requested the Board consider a resolution supporting Medicaid expansion that would be forwarded to the State Legislature.

Chairman Chappell reminded the Board of Commissioners that it has no authority over Medicaid expansion other than advocating for or against it at the State level.

Commissioner Chapman shared the State budget has been approved by both Chambers and forwarded to the Governor for signature so he wondered whether a resolution would have any impact on the new budget year.

Commissioner Guice was concerned about the number of citizens in Transylvania County that fall into the coverage gap. In his career in the corrections field, he saw people under supervision or being released from prison who were trying to better their lives and needed assistance, but none was available. Others in the community face additional challenges of mental health and substance abuse issues and do not qualify for Medicaid or other subsidized insurance. Commissioner Guice stressed that it is these people who need the community's attention and help. He also pointed out the County would benefit by having inmate coverage for hospitalizations and medical care that occur outside of the Detention Facility. While he understood that a resolution might not have any impact at the State level, the resolution highlights the needs of citizens in Transylvania County. Commissioner Guice pointed out that several other counties that were conservative or Republican-leaning have passed resolutions in support of Medicaid expansion over the past few months. He did want our tax dollars to continue being spent in other states that have signed onto Medicaid expansion. He asked the Board to support the resolution for these reasons.

Commissioner Dalton shared that his business deals with Medicare and Medicaid planning and he daily counsels people who fall into the insurance coverage gap. He pointed out that the Affordable Care Act (ACA) has driven the costs of insurance up significantly. He is unable to help many people which is frustrating and disheartening to him. For this reason, he went on record in support of the resolution due to his personal experience dealing with the insurance industry.

Chairman Chappell was appreciative of the comments and the desire of this Board to discuss tough issues. Because the Board of Commissioners has no authority over Medicaid expansion, he contacted our state representatives to discuss their stance since they have the decision-making power. Those discussions led him to the decision not to support the resolution. Chairman Chappell shared that Representative Johnson preferred an alternative method by which the State moves away from a fee-for-service method to a managed-care plan and becomes less of a government-run program. He understood the impact on rural hospitals but pointed out there are many sides to this issue. Nonetheless, he agreed with the approach by Senator Edwards and Representative Johnson to consider the bigger picture and how it impacts the State's budget now and in the future.

Commissioner McCall stated she did not feel the federal government was the solution to every issue faced by State and local governments and that they are part of the problem. She shared her experience with Medicare and Medicaid because she has an adult handicapped child who falls under the Medicaid system. She stated that healthcare under Medicaid is minimal at best and throwing more money into the program is not the solution. She did not believe Medicaid expansion was the solution.

Chairman Chappell stated that while everyone can argue the best way to move forward, they can all agree the current system is broken.

**Commissioner Guice moved to support the resolution for closing the North Carolina Health Insurance gap** (he read aloud the resolution for the benefit of the public), **seconded by Commissioner Dalton.** Commissioner Chapman was concerned with how the federal government legislation may impact Medicaid expansion in the future. He quoted an article from the *Carolina Journal* that reported anyone making up to 138% of the federal poverty line would receive free government health insurance under Medicaid expansion. In addition, the vast majority of the newly eligible persons would be able-bodied childless adults of working age. At \$4 billion each year, Medicaid spending consumes about 14% of the State's general fund budget. He reported that the State is working on a Medicaid transformation project to move away from a program in which the government pays providers based on the number of services and tests performed toward one based on health outcomes. Commissioner Chapman stated that it appears the General Assembly is working hard to find a worthy solution; therefore, he did not support this resolution. **Commissioner Guice withdrew his motion since it did not have the support to pass.**

**Commissioner Chapman moved that the Board does not submit a resolution to our state legislators supporting Medicaid expansion, seconded by Chairman Chappell, and passed by a vote of 3 to 2 with Commissioners Dalton and Guice voting against.**

#### VOLUNTEER FIRE DEPARTMENT FUND GRANT – CEDAR MOUNTAIN FIRE RESCUE

Assistant County Manager David McNeill presented this item. He reported that Cedar Mountain Fire Rescue received a grant from the NC Department of Insurance's Volunteer Fire Department Fund for \$30,004. NCDOI would provide 50% to the department of \$15,002. The department is required to provide the remaining 50%. Mr. McNeill reported that as of June 30, 2021, the department has \$4,100 in its reserve account. Therefore, the department is requesting the County to assist with the match requirement. An additional \$11,000 is required to meet the grant match. The grant funds will purchase turnout gear for the department.

Chairman Chappell reminded Commissioners this was an item discussed during the budget process and the Board decided not to consider providing the funds until after the grant was approved. NFPA guidelines direct gear to be replaced every 10 years or sooner if needed due to heavy wear, for the safety and well-being of the firefighter.

The Manager offered the Board options to provide the funding match. The Board may elect to use the fund balance from the Cedar Mountain Fire Rescue department or appropriate from the general fund balance. In addition, the Board may fund partially or in full. She also pointed out that the County is collecting a general fund tax from each district to supplement the fire departments' budgets. Staff intends to estimate the overage collected from each district compared to their actual budgets for a transfer into the fund balance. So, another option could be to deduct the grant match requirement from the fund's transfer.

Commissioner McCall stated she was more inclined to cover the full amount of the grant match since the department's reserve is low, leaving the \$4,100 in case of emergencies or other needs.

**Commissioner McCall moved to cover the entire amount of the grant match requirement, seconded by Commissioner Guice and unanimously approved.**

LETTER OF SUPPORT FOR WNC INNOVATION PARK GRANT APPLICATION

Chairman Chappell reported that the Land of Sky Regional Council intends to apply to the Economic Development Administration Build Back Better Program for a regional project called the WNC Innovation Park. Land of Sky staff is working on a large, regional project to grow business and create technology job pathways in collaboration with the other five western Councils of Government, Western Carolina University, community colleges, Dogwood Health Trust, and many others. The grant application is a nationally competitive process and support letters are critical components of the process. There is no financial commitment for Phase 1 applications. The Land of Sky requested a letter of support from Transylvania County.

**Commissioner Guice moved to approve the letter of support, seconded by Commissioner McCall and unanimously approved.**

MANAGER'S REPORT

The Manager reported the following:

- All fire departments have signed their service contracts. The audit process is underway.
- HalloweenFest is on October 30 in downtown Brevard. GetSet Transylvania will have a booth along with several County agencies that work with the GetSet collaborative. She encouraged everyone to stop by to participate in kid-friendly activities.
- Transylvania County Register of Deeds began issuing passports last week. Citizens may schedule appointments by calling (828) 884-3162. More information is available at [travel.state.gov](http://travel.state.gov).
- Staff is working on operational plans, projected costs, and mitigating impacts for potential OSHA mandate compliance. We may see something issued at the federal level by end of October with implementation requirements in December. The staff has confirmed ARP funds can be used to offset the expenses the county may incur for compliance
- Staff is working on information about the Environmental Health backlog and a handout on options for the public to help explain alternate processes to get septic permits issued
- FEMA/NCEM Update
  - Since the federal disaster declaration for Tropical Storm Fred, Transylvania County residents have received more than \$891,231 in federal funds as of October 6, 2021
    - \$90,214 in FEMA grants to homeowners and renters
    - \$801,017 in claims paid to National Flood Insurance Program policyholders
- Transylvania County's Wellness program, EWE (Employee Wellness Everywhere) sponsored an employee 5K on October 1. Kudos to EWE for putting on a great event to promote healthy habits for our public workers and to everyone who participated. All who started the race the 5K finished it.

Lastly, the Manager showed a video that highlighted the toolkits that will be made available to families and children in emergency shelter situations. The toolkit bags include a Sesame Street family guide for emergencies, an indoor friendly ball, colored pencils and markers, and other activities for children to occupy themselves in a shelter setting while providing resource information about our community for parents. The Manager was appreciative of the Commissioners' ongoing support of the GetSet Transylvania initiative since its inception six years ago.

This concluded the Manager's Report. She called for questions and comments from the Board.

Commissioner Guice reported that Commissioners received a letter from several real estate agents in the County expressing concern about the delay in getting well and septic permits. He asked if staff had researched how other counties have resolved their issues. The Manager stated that the staff is researching the solutions other counties have employed, but she noted that Transylvania County's situation is unique in that over the past few months there have been very few days where all the positions in Environmental Health have been filled due to illness or medical leave. In addition, it has become increasingly difficult to find certified sanitarians because it takes two years for someone in the position to achieve the certification required by statute. She reported she recently learned that some of the restrictions on the process have been loosened, so staff is working to incorporate this information into a flyer/handout for the public that would inform them of alternative pathways for obtaining permits.

Chairman Chappell suggested it may be worth approaching our representatives at the State level to consider tweaking the requirements because requiring a position to gain two years of verifiable experience is a roadblock for counties to fill these positions and thus adequately provide the service.

Commissioner McCall stated she was impressed with the GetSet video. She expressed her appreciation to the County Manager and former County Commissioner Page Lemel for seeing this initiative through. She shared that her granddaughter participates in the program and is always excited to receive her toolkit.

Commissioner Dalton asked how a family can register to participate in GetSet. The Manager informed that families could register online at GetSet-TC.org. In addition, preschools and childcare centers provide information to families if their child is enrolled at one of their facilities.

#### **PUBLIC COMMENT**

*The comments made by the public represent the individual speaker's opinion or point of view. The Clerk to the Board did not attempt to vet their statements for accuracy or modify them based on facts.*

Mike Hawkins: Mr. Hawkins thanked the Board for approving the letter of support for the Land of Sky's innovation grant application. He could not overemphasize the potential this grant has for the region and thus it was very important for the Board to support it. He also thanked the Board for considering the resolution on closing the insurance gap. He disagreed with their decision but was appreciative of the Board's thoughtful consideration. He said a vote against the resolution is not good enough and he challenged the Board to produce a better solution to help citizens in this community. Mr. Hawkins stated that elected boards serve their community through their public service, but most others do not have that opportunity, so they find other avenues to do that, like through their faith. Their faith gives them a structure and organization through which they can go out and try to make the world a better place. As a person of faith and as a Christian, he felt compelled to support Medicaid expansion just as Jesus asked us to love our neighbors as ourselves, lift up the poor and powerless, and administer to those who need healing. He again thanked the Board for their consideration and their service.

#### **COMMISSIONERS' COMMENTS**

Commissioner Chapman reiterated that the NC General Assembly is considering making changes to the broken Medicaid system, but the solution is not to continue throwing money at it. He stated that the Affordable Care Act was meant to fix these issues, but it has not, and now the federal government wants to spend \$2.5 trillion on a broken system.

Commissioner Guice said he struggles daily with how the government spends money and with those who will not acknowledge what happened on January 6. He will continue as a commissioner to learn the facts and try to be respectful of those with differing opinions. He thanked the Board for considering the

resolution in support of closing the health insurance gap. He acknowledged Chairman Chappell for allowing other Commissioners to bring forward items on the agenda for which they have expressed an interest.

Commissioner Dalton shared that he recently met with the Assistant Secretary of the NC Department of Commerce, and they had good discussions about the County's need for affordable workforce housing, various economic development projects, and concerns about the staff shortages and employment. He was very receptive and promised to stay engaged with Transylvania County.

Commissioner McCall was discouraged by having her faith questioned based on her vote on an issue. She felt this behavior is happening increasingly these days. She expressed her utmost respect for each Commissioner, even though she has disagreed with them on issues, and stated she would never judge them based on their vote. She also addressed the public comments at the beginning of the meeting related to the School System and transparency. She said she will not infringe on their management of ESSR or COVID funding, but she will demand transparency because it is expected by all departments and agencies that operate using taxpayer dollars.

Chairman Chappell thanked the Board for having discussions on a wide range of topics and he pledged to continue allowing Commissioners to bring forth topics that are important to them. Chairman Chappell invited the public to attend the Fields of Faith event at Rosman High School on Wednesday evening. Fields of Faith started as a senior project that grew into a community event. Students will lead the discussion and focus on issues facing the community.

**Chairman Chappell moved to enter into a closed session per N.C.G.S § 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and per N.C.G.S § 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, followed a 10-minute recess, seconded by Commissioner Dalton and unanimously approved.**

#### CLOSED SESSION

Per N.C.G.S § 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and per N.C.G.S § 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, a closed session was entered into at 7:23 p.m. Present were Chairman Chappell, Commissioners Chapman, Dalton, Guice and McCall, County Manager Jaime Laughter, County Attorney Julie Hooten (via Zoom meeting software), and Clerk to the Board Trisha Hogan.

Commissioner consulted with the County Attorney on a privileged matter. Commissioners also discussed the terms of a potential contract for the acquisition of property and directed staff on how to proceed.

**Chairman Chappell moved to leave the closed session, seconded by Commissioner Guice and unanimously carried.**

**OPEN SESSION**

**Chairman Chappell 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 Dalton and unanimously approved.**

**ADJOURNMENT**

There being no further business to come before the Board, **Chairman Chappell moved to adjourn the meeting at 7:50 p.m., seconded by Commissioner Dalton and unanimously carried.**

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Jason R. Chappell, Chairman  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board