

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
June 8, 2020 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, June 8, 2020 at 4:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

Commissioners present were Jason Chappell, Jake Dalton, David Guice, Chairman Mike Hawkins and Vice-Chairwoman Page Lemel. Also present was County Manager Jaime Laughter. The Clerk to the Board and the County Attorney participated remotely.

Media: *The Transylvania Times* – Derek McKissock participated remotely.

There were 8 people in the audience, including staff.

CALL TO ORDER

Chairman Mike Hawkins presiding declared a quorum was present and called the meeting to order at 4:10 p.m.

WELCOME

Chairman Hawkins welcomed everyone to the meeting participating both in person and remotely. He introduced Commissioners and staff in attendance.

PUBLIC HEARING

FY 2021 RECOMMENDED BUDGET FOR TRANSYLVANIA COUNTY

The Board of Commissioners is required by law to hold a public hearing prior to approval of the annual budget. The Clerk to the Board advertised the public hearing notice and invited public input in person or in writing.

Prior to calling for public input, the Manager gave a brief overview of the FY 21 Budget recommendations, including the changes made by the Board during the two budget workshops. This is a summary of her presentation:

Highlights for FY 21

- Manager's recommended budget presented to the Board of Commissioners on May 26, 2020
- Continues tax increase from FY 20 of 10.5 cents based on voter approval of the \$68 million school construction bond to renovate and expand Rosman High, Rosman Middle and Brevard High Schools for a tax rate of \$0.636/\$100 valuation
- No tax increase is recommended for General Fund functions
- Fire department contract funding will come from a restructured fund balance allocation and will include a ½ cent tax increase in each district
- Reduced capital and vehicle replacements should be revisited when there is available revenue to avoid spiking costs later; recommends future discussion in September and January on this topic; COVID-19 has impacted budget significantly; will not be able to assess impact to sales tax until later in the year

- Total budget of \$61,041,976 is recommended, to include changes made during the budget workshops
- Revenue shortfall due to sales tax
- Recommended budget proposes utilizing future capital funds to meet revenue needs through the immediate term and then return to typical practices; extraordinarily difficult to project the revenue picture with the need to maintain service levels; hopefully, the economy will begin to rebound but there is no prior data that indicates what a recovery looks like after a pandemic; world much different than the 1918 pandemic, so it is hard to predict the economic climate
- Budget includes use of \$1.4 million in unassigned fund balance; impact to unassigned fund balance from FY 20 will be unknown until August
- Revisit of budget recommended
 - September, when FY 20 sales tax data will be known
 - January
 - Any juncture where staff becomes aware of significant revenue or operational impacts
- Travel and training policy for this budget year
 - All out-of-state travel using County funds must be pre-approved by the Board of Commissioners; justification required
 - Remote/electronic attendance recommended
- Budget Workshop #1
 - Fire department budgets held flat
 - Exception to Balsam Grove to add personnel for the first time and increased to some operating expense
 - Denied replacement of truck as requested by City of Brevard that would have netted in initial debt payments in FY 22
 - Funded audits globally; staff working to transition this service; more details in the near future
- Budget Workshop #2
 - Added \$20,000 for Blue Ridge Community College capital planning funds
 - Fire department funding method
 - Revenue to come from fund balance after restructuring transfer of tax funds in FY 20
 - Raising fire district tax rate to 6 cents netted a funding deficit of \$1.2 million
 - School bond project timeline is taking longer than initially expected by schools creating additional receipts of tax funds for the bond payments
 - General Fund recommended to decrease spending by 9%; education funded flat; a 9% decrease would be the equivalent of the funds from FY 20 tax increase going to assigned fund balance to bridge revenue loss due to COVID-19; leveraging opportunity from delayed projects to fund budget shortfalls

Revenue Projections

- Revenue projections expected to change to reflect the increase of the \$1.2 million from fund balance
- Staff will prepare a budget amendment to use part of the \$6.2 million that was anticipated to go into a capital reserve and adding to fund balance for the transfer
- Sales tax growth is expected to decrease by 15%
- Additional Medicaid Hold Harmless decrease of \$200,000
- Does not include any other restrictions or additional funding that may come from the State budget once adopted
- Netted \$2 million deficit that is being met with capital tax funds

Expenditures

- Expect to see an emphasis on Human Services and Public Safety during a pandemic; reflective of expenditures
- Public Safety expenditures percentage will rise due to transfer in funds for the fire departments
- Previous year indicated funds transfers; this year showing debt service payments to begin for the school bond projects

Fire Department Budgets

- Each district tax rate set to 6 cents
- \$1.2 million fund balance transfer to balance budgets

This concluded the Manager's presentation for the public hearing purposes. Prior to opening the public hearing, Chairman Hawkins stressed that this is an extraordinary year, and as such, it has limited the number of people who could come in person to this meeting. For those that could not or chose not to attend this meeting in person due to the pandemic, Chairman Hawkins invited citizens to submit their comments in writing via email or by phone call to County Administration.

Chairman Hawkins declared the public hearing open at 4:18 p.m.

There were no comments from the public.

Chairman Hawkins declared the public hearing closed at 4:19 p.m.

Chairman Hawkins reiterated his earlier comments about public input on the proposed budget.

PUBLIC COMMENT

There were no comments from the public.

AGENDA MODIFICATIONS

There were no agenda modifications.

Commissioner Lemel moved to approve the agenda, seconded by Commissioner Chappell and unanimously approved.

CONSENT AGENDA

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

The following items were approved:

MINUTES

The Board of Commissioners met in regular session on August 26, 2019. During the special meeting on March 31, 2020, the Board of Commissioners met in closed session in which the minutes were sealed. Commissioners approved the minutes as submitted.

APPLICATIONS FOR PERMITS TO CONDUCT FIREWORKS DISPLAYS

The 2010 Pyrotechnics Act requires the Board of Commissioners to approve all permits to conduct aerial fireworks displays in their respective county. Fire Marshal Gerald Grose has received permit applications for aerial fireworks displays on July 4 from the following and reports that all are in order for each applicant to conduct their respective fireworks display:

1. Burlingame Country Club
2. Camp Carolina
3. Camp Illahee
4. City of Brevard
5. Lake Toxaway Country Club
6. Jacqueline Rogow

Commissioners approved the permit applications for the applicants listed above.

REMOVAL OF REVIEW OFFICER FOR TRANSYLVANIA COUNTY

NC General Statute § 47-30.2 requires each county to designate persons experienced in mapping or land records management to be appointed as Review Officers to certify maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording. The resolution appointing the Review Officers is filed with the Registered of Deeds per statute. Once a Review Officer leaves employment with an organization, his or her name should be removed as a Review Officer. Staff drafted a resolution formally removing former Planning and Community Development Director Jason Stewart as a Review Officer for Transylvania County. Mr. Stewart resigned his position on May 18, 2020. Commissioners approved Resolution 19-2020 Removal of Review Officer for Transylvania County.

**RESOLUTION 19-2020
REMOVAL OF REVIEW OFFICER FOR TRANSYLVANIA COUNTY**

WHEREAS, Chapter 47-30.2 of the North Carolina General Statutes requires the Board of Commissioners of each county to designate by name one or more persons experienced in mapping or land records management to be appointed as a Review Officer to certify the maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording; and

WHEREAS, once a Review Officer leaves employment with Transylvania County, his or her name should be removed;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF TRANSYLVANIA COUNTY:

Section 1. The removal of the following person as a Review Officer for Transylvania County.

<u>NAME</u>	<u>FORMER POSITION/TITLE</u>
Jason Stewart	Planning and Community Development Director

Adopted and approved this the 8th day of June, 2020.

S://Mike Hawkins, Chair
Transylvania County Board of Commissioners

APPOINTMENT OF ENFORCEMENT OFFICER/ZONING ADMINISTRATOR FOR PLANNING RELATED ORDINANCES

Jason Stewart resigned as Director of Planning and Community Development in mid-May. Budget Management Analyst Allen McNeill is currently serving as the Interim Director. Several of the County's planning-related ordinances require the Board of Commissioners to appoint an enforcement officer/zoning administrator to administer and enforce all provisions of those ordinances. The County's planning-related ordinances are:

1. Flood Damage Prevention Ordinance – Article 4, Section A
2. Mountain Ridge Protection Ordinance – Article 4
3. Pisgah Forest Community Zoning Ordinance – Article 7, Section 1
4. Subdivision Regulations – Article 9, Section 18
5. Telecommunications Tower Ordinance – Section 7
6. Watershed Protection Ordinance – Article 3, Section 17

Commissioners appointed County Manager Jaime Laughter and Budget Management Analyst Allen McNeill as the Enforcement Officers/Zoning Administrators for the ordinances listed above to ensure adequate coverage/backup for enforcement and administration.

PRESENTATIONS/RECOGNITIONS

FINAL REPORT ON FUNGI STUDY AT THE LANDFILL

Solid Waste Director Kenn Webb provided the details on an innovative project at the landfill designed to increase soil nutrients, decrease sediment run-off and utilize resources on site. This is a summary of his presentation:

All the slopes at the Woodruff Landfill are managed in some form by the Department of Environmental Quality. This project was administered to slopes below the landfill in an area not regulated because they do not cover garbage and waste.

In 2018, the Solid Waste department began hydroseeding but the poor nutrient soils were incapable of growing grass, even after fertilizers and amendments were exhausted. The department was concerned about controlling erosion and sediment runoff into the French Broad River. There were no nutrients in the site soil for future grass cover. The Landfill also had an abundance of woody debris from land clearing activities.

To find solutions to these issues, Mr. Webb had conversations with a local mushroom business, Integrated Land Management, LLC, Principal Leif Olson, about their willingness to evaluate the uniqueness of this site and they were ultimately hired by the County.

In November 2018, the department took soil samples from different spots on the property which indicated poor quality across the board. The soil in the area identified for the project was graded and prepped for installation. The slope was staked for installation of test plots. Wood chips were added to the test plots. Fungal spawn, in the form of an inoculated saw dust block, was added to the wood chips. The specific fungi used were anticipated to degrade the wood chips. During the study, they decided to include additional crop seeds in the mixture, including Brown Top Millet and Cowpea. The test plots were then covered with straw and a jute mat. They also created a bioswale at the bottom of the slope utilizing leftover fungal spawn, along with wood chips, out of curiosity to see how it would respond. Troughs were installed beneath and between each test plot to determine the effectiveness to erosion control and the water quality of the runoff. The installation of the test plots, bioswale and troughs were completed in

May 2019. At the bottom of the slope a sediment pond was designed to catch and retain sediment so it did not flow into Woodruff Creek.

Mr. Webb showed several progress photos that were taken over a very dry summer. The slope is exposed, and fungi do not particularly like to grow in the sun, but it was protected by wood chips. The test had to be performed in conditions specific to the Landfill. During the summer, some of the cover crop seeds sprouted.

Some of the findings were that fungi do indeed grow in wood chips on exposed slopes in a dry summer in Transylvania County. The fungi expedited the decomposition of the wood chips which is a positive outcome. The Landfill is in need of decent topsoil, so they are in essence trying to create topsoil or increase the nutrients in the topsoil.

The project netted both favorable and unfavorable trends, with 11 out of 14 factors trending favorable over the six-month study period. Erosion control benefits of the wood chips were confirmed with high sediment wash out between the test plots. In addition, the water quality below the test plots with fungi had favorable conditions for aquatic life. From the Landfill's perspective, this would be considered no to low maintenance. The bioswale results indicated some of the Brown Top Millet was very successful at sprouting early and actually spilled over out of the bioswale and into the area adjacent to the sediment pond. Because it is a small seed, it is being considered an early opportunistic species for including with the hydroseed mixture in the future. The Cowpea roots survived and thrived in the woodchip mulch piles to the point that their elongated root structure created nodules that host nitrogen fixing bacteria which is beneficial to the nitrogen fertilizer mixed with the hydroseed mixture.

Some of the other findings were that Transylvania County has a vibrant fungi population and it may not be necessary to add fungal spawn to create mycelium in wood chip piles for degradation. In the future, the Landfill will not need to apply fungal spawn, but they will need to determine the best medium for the breakdown, whether it is layers or stockpiles. The study also found that mycelium can survive in severe summer conditions in mulch. Additionally, cover crops other than grass may better fix the nitrogen in the soils. More broadly, the study showed there is value in considering alternative methods to solving problems.

The Landfill is considering future options, to include adding BioChar to the hydroseed mixture, tripling the lime content in the hydroseed mixture (recently doubled with success) because the alkalinity of the soil affects the ability of the grass to survive, and utilizing fungi to break down large stockpiles of mulch (based on a study in Colorado). The Landfill's FY 21 goals are to mine and screen some of the materials from land-clearing and inert debris to separate topsoil for restoration activities at the Landfill.

Mr. Webb concluded his presentation by saying how impressed he was working with the consultant on this project. He welcomed Commissioners to visit the Landfill to learn more about it.

Commissioners inquired further for more detail on certain aspects of the project. Commissioner Lemel wished to connect Mr. Webb with the TIME Science Program Coordinator as an opportunity for collaboration. Mr. Webb welcomed the opportunity to connect with this program. Commissioners thanked staff for being innovative in their problem-solving.

APPOINTMENTS

AGRICULTURAL ADVISORY BOARD

There are three vacancies on the Agricultural Advisory Board. One is due to a resignation. Two other members' terms expired at the end of April. They had served two full terms and were not eligible to

serve another term. At the request of Commissioners, staff reached out to these two members and asked them to consider serving a third term, but they felt they had served their time. Thus, the positions remain vacant. Through recruitment efforts, staff received three applications to fill the three vacancies.

Commissioner Lemel moved to appoint John Buford, James “Aaron” Siniard, and Steve Tabor to fill the three vacancies on the Agricultural Advisory Board, seconded by Commissioner Guice. Commissioner Lemel wanted to achieve balance with the terms on this board, so she moved to amend the motion to include an initial term of two years for James “Aaron” Siniard and three years for both John Buford and Steve Tabor, seconded by Commissioner Guice and unanimously approved. The main motion was unanimously approved.

TRANSYLVANIA COUNTY NATURAL RESOURCES COUNCIL

Elizabeth Reshower resigned unexpectedly from the Transylvania Natural Resources Council (TNRC) on May 26, 2020. The Clerk to the Board has three applications on file which she sent to Cooperative Extension Director Bart Renner and TNRC Chair Lee McMinn for review and possible recommendation. They recommended the appointment of Greg Evans to fill the vacancy on the TNRC.

Commissioner Lemel moved to appoint Greg Evans to fill the vacancy on the Transylvania Natural Resources Council, seconded by Commissioner Guice and unanimously approved.

NEW BUSINESS

TRANSYLVANIA NATURAL RESOURCES COUNCIL RECOMMENDATIONS ON FOREST PLAN REVISION

As requested by the Board of Commissioners, the Transylvania Natural Resources Council (TNRC) provided recommendations and reasoning in support of various options presented in the Pisgah and Nantahala Forest Plan Revision. TNRC Chair Lee McMinn and member David Whitmire presented various components of the TNRC’s recommendations, as well as some background on the revision plan.

In 2013, the US Forest Service began the process of rewriting the management plans for the Pisgah and Nantahala National Forests. They created a Reader’s Guide which states the necessity and goals of this revision along with various alternatives identifying differing management goals from continuing management efforts unchanged to restricting management efforts to minimize the impact of management actions on the forest. The four alternatives presented in the current draft apply to all 1.04 million acres of the Pisgah and Nantahala National Forests in WNC.

The TNRC consulted with partners, such as Conserving Carolina and the Fish and Wildlife Conservation Council, who provided valuable input. From there, the TNRC condensed the input into a few areas of interest that they would like to see included in the final revision. The TNRC did not make a recommendation on one of the alternatives. They all have different and attractive characteristics. The TNRC attempted to combine the options (mainly B and D) they considered to be most appropriate to maximize the restoration of the ecosystems and that would favor game, hiking, tourism, recreation, cultural resources, etc., as well as the inclusion of stream buffers and levels of activity they would like to see the Forest Service engage in.

The Board of Commissioners is not being asked to endorse a specific alternative, but rather to identify characteristics of management actions that they want to emphasize in the final plan related to Transylvania County. The TNRC recommended six measures for the Board of Commissioners to consider sending to the US Forest Service for inclusion into the revision plan or combination thereof that they choose to implement. Those six measures are:

1. Adopt old growth areas identified in maps of Alternative C to provide the most protection for old growth forests. In addition, manage riparian areas and back county areas in alternative B to set aside for future-designed inventory old growth areas. Plan Standards and Guides to require the Forest Service to evaluate older forests for their old growth characteristics and protect them when they are found.
2. Consideration of future management actions should place more emphasis on protections for NC Natural Heritage Areas and for Significant Natural Areas identified in the 2008 survey by NC DENR Natural Heritage Program (Ed Schwartzman). No management actions should occur in any Natural Heritage Area except to restore, enhance, preserve, or protect the ecological and heritage qualities for which the areas were recognized.
3. Riparian buffers should conform to the limits applied in other Southern Appalachian National Forests to protect our pristine aquatic environment and water quality, i.e. 100' for perennial streams, 50' for intermittent streams, and 25' for "natural ephemeral streams", consistent with Forest Service delineation, exclusive of ditches and constructed drainage.
4. Manage at the district level to maximize recreational opportunities by encouraging Forest Service to increase Tier 2 goals for trails and facilities. New trails should be allowed without a cap on total trail mileage if maintenance goals are met at the district level.
5. Emphasize support for Tier 2 objectives that are well distributed throughout Transylvania County.
6. Matrix and interface areas (as reflected in Alternatives B or D) should be sufficient to meet the needs of active restoration for forest and wildlife benefits.

Some discussion of the two-tier system referenced in the forest plan revision is necessary. Tier 1 is presented as that level of management currently funded and staffed by the USFS. Tier 2 reflects that level of management anticipated being available if increased capacity for management is realized from collaborative efforts among USFS, user groups, and local governments. Collaboration already exists at some level between USFS and various user groups but a coordinated, expanded collaboration would allow the USFS to achieve goals reflected in the higher Tier 2 category, thereby maximizing benefits to the County from forest management and sustainable recreation.

Chairman Hawkins suggested at the next meeting the Board of Commissioners consider approval of a letter including the TNRC's recommendation to the USFS. The deadline to submit comments is June 29. Commissioners were very grateful to the members of the TNRC for tackling this complex issue and their thoughtful recommendations.

BUDGET AMENDMENTS

Finance Director Jonathan Griffin presented this item. Based on Section 26 of the FY 19 Budget Ordinance, the Board of Commissioners requires certain budget amendments to come before them for approval. Each of the following amendments summarized below require Board approval because they fit one of the following criteria:

1. They increase the budget by more than \$5,000 and are comprised of revenues that have not been previously approved by the Board;
2. They increase the budget by more than \$5,000 and are not simply pass-through funds; or
3. They decrease the total General Fund budget and reflect reductions in projected funding sources.

Similarly, the Board of Commissioners requires staff to submit full reports disclosing budget amendments and transfers on a semiannual basis. This agenda item's supporting documents will serve as the third quarter report for FY 2020 and cover part of the fourth quarter.

A summary of the amendments submitted for approval is as follows:

RECOGNITION AND APPROPRIATION OF REVENUE

#63 represents the final supplemental payment of the Golden Leaf grant project that needs to be recorded in the General Fund. The Golden Leaf grant was primarily used to supplement the construction costs of the Sylvan Valley Industrial Facility; however, a small portion of the grant was passed through to Transylvania County Schools to supplement STEM education efforts. This was the final payment that needed to flow through the County to Transylvania County Schools for their part of the project. The financial impact is \$18,655.

#68 reflects an additional supplemental amount from the State Aid to Libraries intergovernmental grant. Transylvania County's higher investment compared to similar counties qualifies it in some years for an additional distribution of these funds. The Library staffs have allocated those revenues to replacing some equipment and fixtures in the Library. These funds cannot be used to offset any previously budgeted expenditure. The financial impact is \$6,921.

#87 recognizes the \$9,000 grant received from the NC Department of Natural and Cultural Resources to balance out the final payment on the Joint Historic Preservation Commission's (JHPC) African American Heritage-Related Resources in Transylvania County. While the project began in FY 2019, most of the expenditures ended up being invoiced in 2020 and the revenues were received earlier this calendar year. The JHPC's expenditures are recognized in the "Advisory Board" line item of the budget in the outside agency's division of Culture and Recreation.

#88 recognizes an additional \$15,620 in revenue and appropriates it to meet the purposes of the Juvenile Crime Prevention Council (JCPC). In a prior meeting, staff disclosed how the budget process for JCPC developed over the course of the year as the State appropriated new funding levels for JCPC's raise the age initiative. This budget amendment aligns the County's budget with the approved funding plans.

FUND BALANCE APPROPRIATIONS

#43 appropriates funds that had lapsed into assigned/restricted fund balance at year end to meet needs in the Public Health Departments' programs funded by charitable contributions. At year end, received but unspent revenues from charitable donations are allocated into assigned fund balance. This adds those back into the program. The financial impact is \$6,863.

OTHER

#46: The Health Department identified a need for additional vaccine expenditures based on public demand that would be potentially offset by the revenues generated by those vaccines. The additional \$10,000 vaccine doses would generate a potential \$13,000 in revenue once administrative fees and dose costs were fully factored in. The Finance Director reviewed the calculations and believes them to be accurate.

If approved, these amendments will increase size of the General Fund budget by \$982,851 to a total of \$68,205,179.

Commissioner Lemel moved to accept the budget amendments as presented, seconded by Commissioner Guice. Commissioner Lemel referred to some of the future-pending amendments mentioned in the Finance Director's written report. In response, Mr. Griffin explained that staff had identified a need for an additional transfer of funds to the HOME Special Revenue Fund in the amount of \$24,000 that are not expected to be reimbursed by the City of Asheville due to issues with the grant time period and procedures. In addition, the trend line on costs in the Special Law Enforcement Special Separation Pension Fund and Retiree Health Fund exceeded conservative estimates for FY 20. The County experienced one additional retiree than expected that qualified for the Law Enforcement Special Separation Fund. Additionally, the Retiree Health Fund includes a small number of beneficiaries, but one

person having a major medical event could shift those figures substantially. Commissioner Chappell thought it was telling that these budget amendments increase the County's budget to over \$68 million during a time when the County and School System is about to embark on \$68 million in school construction projects. These figures help put into perspective the magnitude of the issues the County is facing and how the volume of costs could change the course of the community. **The budget amendments were approved unanimously.**

MANAGER'S REPORT

The Manager presented the following:

- County office lobbies are reopened to the public; Library will reopen with restrictions next week and cease curbside services
 - Signage encouraging masks and social distancing
 - Limited occupancy posted
 - Library limiting computer time and other in-person services
- El Centro Community Center received a County grant to improve their facility and they shared pictures with Commissioners on the before and after. They installed turf and fencing in the play area and it looks great.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Chappell reminded all Republican and unaffiliated voters that the 2nd primary is ongoing at the Elections Center. While turnout during the 2nd primaries is normally low, it still costs the taxpayers of Transylvania County approximately \$29,000 to conduct.

Commissioner Chappell congratulated Chris English on the announcement of his new position as President of Southeastern Community College. He will start August 1. Mr. English has served Blue Ridge Community College well in his position as Vice-President of Workforce Development and he has been a strong advocate for economic development.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Lemel moved to adjourn the meeting at 5:28 p.m., seconded by Commissioner Chappell and unanimously approved.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board