

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**June 21, 2021 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, June 21, 2021 at 6:00 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 John Kubis participated remotely via Zoom meeting software.

Media: *The Transylvania Times* – Derek McKissock participated remotely.  
*Brevard Newsbeat* – Dan DeWitt

There were approximately 40 people in the audience, including staff presenters.

**CALL TO ORDER**

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 6:01 p.m.

**WELCOME**

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

**PUBLIC HEARING**

FY 2022 BUDGET PROPOSAL

The Manager recapped the presentation from the public hearing on June 14. This is a summary of the information she presented.

Following the budget workshops and further deliberation at the previous meeting, the Board recommended a tax rate of \$0.5853 per \$100/valuation. The tax rate increase will provide additional funding for the fire and rescue agencies without further reduction of the fund balance through a combination of a fire service district rate and a countywide ad valorem tax increase. The Board added another \$0.018/\$100 valuation to the tax rate to pay for the shortfall in solid waste operations, along with an increase in user fees to cover the cost of the design and engineering of the future cell.

The FY 2022 General Fund is proposed at \$69.1 million, plus other funds, for a total of \$77.3 million. The proposed budget includes no new personnel, lifts the soft personnel freeze of nonessential positions that were not filled due to the pandemic, increases the pay rate of part-time employees to the equivalent minimum rate of full-time employees for all departments, moves forward with previously approved reclassifications for staff in the Department of Social Services, adds a school nurse using federal funds with no guarantee of funding after one year, restores capital outlay that was halted due to the pandemic, and catches up on vehicle replacements that were originally included in the FY 21 budget. The fire and rescue agency budgets include a 5% budget increase for personnel necessitating a \$0.0253 countywide tax increase.

The County has applied to operate a license plate agency within Tax Administration. The staff has completed the interview process and is awaiting a response from the Department of Motor Vehicles. If approved, it would require two new positions and the reclassification of another to operate the license plate agency services. Revenues are estimated to offset expenditures.

Transylvania County Schools has targeted July 2021 for the issuance of the general obligation bonds which will necessitate amendments to the general fund and education capital fund. There is currently \$6.2 million in the education capital fund.

Future decisions by the Board that could impact the FY 22 budget are the acquisition of space and the cost to operate a second courtroom, the extension of several Health Department grants, maintenance and operation of Rosman Community Park, and structural changes to the solid waste funding model, to include increasing the sticker fee from \$1.50 to \$3, increasing the tipping rate to \$62, and upping the minimum scale fee from \$5 to \$15.

**Chairman Chappell declared the public hearing open at 6:07 p.m.**

*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.*

Kathy King: Ms. King is the new Executive Director of the Transylvania Community Arts Council. She thanked the Board of Commissioners for their past financial support of the Arts Council that helped to fund their programs. Ms. King explained the mission of the Arts Council and described some of the events they have held since reopening in April from being closed due to the pandemic, to include a fine arts and crafts exhibit from over 30 area residents, performing arts events, and the summer arts academy for school-age children that opened this week. To do these events and more, Ms. King said the Arts Council will need the County's continued financial support.

Joan Van Orman: Ms. Van Orman spoke representing the Transylvania Community Arts Council. She thanked the Board for their prior support of the Arts Council. She shared a brief story about one of their artist exhibitors, a woman in her 80's, who recently entered her first painting into an exhibit and was grateful to have a resource like the Arts Council in this community. Ms. Van Orman stated that the Arts Council is proud of the services they offer to the community to fulfill their mission of providing arts for all ages. She requested an opportunity to seek funding from the County to continue its mission.

Karla Marr: Ms. Marr is a resident of Pisgah Forest. Following her attendance at the previous Board meeting, she stated that she realized the operation of the landfill is a community service no different than other services like law enforcement and social services and thus should be funded accordingly. She asked Commissioners to consider a smaller increase in the bag fee to avoid sticker shock and a shift of bag sticker sales to vendors to reduce cash handling at the convenience centers. For long-term planning purposes, Ms. Marr asked the Board to encourage more recycling and seek new laws and regulations that would reduce the waste stream into the landfill.

Bruce Gleasman: Mr. Gleasman has attended the past few meetings urging the Board to cut the budget instead of raising taxes to pay for solid waste. He was concerned that additional taxes and fees were going to place an undue burden on citizens, especially the elderly and those who lost jobs during the pandemic, and that they might have to make sacrifices in areas of their life to pay these bills. Those who are more fortunate will be able to absorb the increases. Mr. Gleasman suggested the Board keep the tax flat for the next year and hire a third party to run solid waste operations. He also asked the Board to explain their vote so the public will understand where the Commissioners stand on this issue.

Mike Hawkins: Mr. Hawkins stated that people appreciate the Board's work, especially this time of the year during budget deliberations. He talked about a meeting that occurred last week at the library of elected officials, law enforcement, and various officials in WNC regarding Medicaid expansion in North Carolina. He felt this topic was relevant to the County's budget. He informed an argument was made during this meeting that every county in North Carolina has a certain level of inmate medical costs of which a vast majority would be covered by Medicaid if the State would agree to the expansion. The presenters estimated that Transylvania County could have saved \$1.5 million in inmate medical costs over the past seven years if the State had taken advantage of the opportunity to expand Medicaid. If Medicaid expansion would have that kind of impact on the County's budget, then he felt it was worth Commissioners' exploring further. Mr. Hawkins reminded the Board they are soon voting on a budget that includes a tax increase and he asked them to think about how the situation might be different if they had been able to save money due to Medicaid expansion. He asked the Board to consider exploring further.

**Chairman Chappell declared the public hearing closed at 6:22 p.m.**

### **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.*

Jeff Storey: Mr. Storey is the Director of Elections. He referenced the Board's most recent discussions on acquiring space for a second courtroom. He shared that the Board of Elections is willing to share the Elections Center conference room space with the court system. Exclusive use by the courts would be problematic and disruptive, but the judge has assured Elections staff that the courts can work around the Elections schedule. Parking would be an issue, but Elections staff would work with court officials in advance of their use of the facility to plan for alternative parking. Mr. Storey stated the Elections Center is a great facility that is ideal for use by the courts. He reiterated that the Board of Elections has no issue sharing the facility if everyone can work together to minimize disruptions.

Kristi Brown: Ms. Brown is the Clerk of Superior Court. She reiterated Mr. Storey's comments about the court system's use of the Elections Center conference room. She, along with Judge Brittain, toured other facilities with County officials, and she said this facility best meets their needs. She reemphasized that the court will not interfere with Elections' activities. They intend to keep the dockets smaller to minimize the number of people using the space. The use of this space allows the courts to hold a superior court in the large courtroom at the Courthouse while holding district court cases on a smaller scale. Ms. Brown asked the Board to consider their request to use the Board of Elections conference room for the district court.

### **AGENDA MODIFICATIONS**

There were no agenda modifications.

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

### **CONSENT AGENDA**

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

The Board approved the following items:

MINUTES

The Board of Commissioners met in a regular session on March 22, 2021. The Board approved the minutes as submitted.

DISCOVERY, RELEASE, AND MONTHLY SETTLEMENT REPORT

Per NC General Statute § 105-312 (b), the Tax Administrator must see that all property not properly listed during the regular listing period be listed, assessed, and taxed. The Tax Administrator shall file such reports of discoveries with the Board of Commissioners. Per NC General Statute § 105-381 (b), the Tax Administrator must provide a monthly report to the Board of Commissioners of the actions taken by the Tax Administrator on requests for release or refund, which shall be recorded in the minutes. For May 2021, tax dollars released totaled \$739.91, and refunds issued amounted to \$259.39. For the period June 1-21, 2021, tax dollars released totaled \$191.58, and refunds issued totaled \$337.49. The Board approved the Discovery, Release & Monthly Settlement Reports for May 2021 and June 1-21, 2021.

PROCLAMATION – PARK AND RECREATION MONTH

In July 2021, the National Recreation and Park Association is sponsoring another year of its annual Park and Recreation Month. For 2021, the theme is “Our Park and Recreation Story” which highlights the stories of how communities are stronger, more vibrant, and more resilient because of parks and recreation. The Board approved Proclamation #21-2021 Designation of July as Park and Recreation Month and presented a copy to Parks and Recreation Director Jared Mull.

**Proclamation #21-2021  
Designation of July as Park and Recreation Month**

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Transylvania County; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community’s economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Park and Recreation Month; and

WHEREAS, Transylvania County recognizes the benefits derived from parks and recreation resources;

NOW, THEREFORE, BE IT RESOLVED BY the Board of Commissioners of Transylvania County that July is recognized as Park and Recreation Month in Transylvania County.

This the 21<sup>st</sup> day of June, 2021.

S://Jason R. Chappell, Chairman  
Transylvania County Board of Commissioners

#### LETTER OF COMMITMENT TO ENVIRONMENTAL ENHANCEMENT GRANT FOR SILVERMONT IMPROVEMENTS

As part of the 2000 agreement with Smithfield Foods, the Attorney General's Office created a grant program focused on environmental projects. The Attorney General can award \$2 million per year across the State for environmental projects that work to improve North Carolina's air, water, and land quality. As part of the agreement, 50% of projects would be in Eastern North Carolina and the remaining 50% would be split between statewide projects and projects located in central and western North Carolina. Past projects have included land acquisition, stormwater remediation, and stream stabilization, among others. Parks and Recreation included \$78,500 in the recommended budget to improve stormwater runoff and erosion concerns at Silvermont Park. If approved by the Board, staff intends to apply for the funds which are reimbursable through the Environmental Enhancement Grant program. Notification of award will be in December. If approved, construction on the project would begin in the spring of 2022. The Board approved the submission of the 2021 Environmental Enhancement Grant for improvements to Silvermont Park, including stormwater and erosion control.

#### ALLOCATE/ADD PART-TIME POSITION CLASSIFICATIONS TO THE SALARY PLAN

The FY 2022 Budget includes funds to move the pay of part-time positions to the minimum rate of the salary schedule to complete the 2019 Compensation Study. Staff identified that some classifications were not included in the Evergreen salary schedule since there are no equivalent full-time positions. Examples are Library Assistant, Advanced Intermediate and Basic Emergency Medical Technician, Recreation Assistant, and Telecommunicator I. Staff requested to allocate those omitted part-time classifications appropriately to the pay plan based on comparable positions and internal equity. The Board approved the revised salary schedule with the newly allocated positions as requested.

### **PRESENTATIONS/RECOGNITIONS**

#### RECOGNITION OF OUTGOING CITIZEN ADVISORY COUNCIL MEMBERS

In July 2015, the Board of Commissioners implemented a recognition program to express their appreciation to citizens who volunteer their time and expertise on the County's citizen advisory councils. The Board intends to recognize our citizens on a semi-annual basis. This period covered January 1, 2021-June 30, 2021. Each person in attendance received a certificate of appreciation and a coffee mug with the County logo. The Clerk extended the invitation to either of the June meetings. The Clerk will mail certificates to those citizen volunteers that are unable to attend.

John Wayne Hardison, Jr.	Planning Board
Bob Twomey	Planning Board
Becky Alderman	Mountain Area Workforce Development Board
Stephanie Smith	Brevard Planning & Zoning Board
Leslie Logemann	Agricultural Advisory Board

William Leroy Newell	Agricultural Advisory Board
Dr. John Folger	Transportation Advisory Committee
Lisa Sheffield	Personnel Board
Frances Bradburn	Personnel Board
Lee McMinn	Personnel Board & Transylvania Natural Resources Council
Josh Hallingse	Blue Ridge Community College Board of Trustees
Heather Layton	Parks and Recreation Commission
Robert Hurring	Parks and Recreation Commission
Kay Hunter	Nursing & Adult Care Home Advisory Committee

PRESENTATION BY CONSERVING CAROLINA – FRENCH BROAD RIVER PLANNING PROJECT FUNDED BY TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY (TCTDA)

Tory Nergart, the Conservation Easement Manager for Conserving Carolina, a local land trust, began the presentation on behalf of Executive Director Kieran Roe (who was attending a City of Brevard Council meeting). He informed that Conserving Carolina is a nonprofit organization dedicated to protecting and stewarding land and water resources that are vital to our natural heritage and quality of life and to fostering appreciation and understanding of the natural world. They do this through many different ways: educational events, special events, and festivals, and direct outreach to communities. Their work is in Henderson County, Polk County, parts of the South Carolina Upstate, along the Blue Ridge Escarpment, to the Hickory Nut Gorge, Transylvania County, and parts of Macon, Haywood, and Buncombe Counties.

Conserving Carolina collaborated with several landowners to help the County acquire Connestee Falls and ensure it is safe and accessible to the public. They helped the County purchase the property through a series of private donations, grant dollars, and other local efforts. Conserving Carolina is also highly active in farmland preservation in Transylvania County. They have successfully accessed State and federal funds to help preserve farmland and the production of food for hundreds of acres of farmland in Transylvania County. Mr. Nergart shared that he authored the grant application for the Parks and Recreation Trust Fund Grant for the matching dollars for the County's purchase of 55 acres along the French Broad River for a future park. One of Conserving Carolina's focus areas is the French Broad River. The organization not only accomplishes its mission through applying for grants but also by being out in the community. One example is the Annual River Fest, assisted by AmeriCorps volunteers and the Transylvania County French Broad River Stewards. The event, which is well-attended each year, shows others how we enjoy and value the French Broad River. Mr. Nergart shared that the Transylvania County French Broad River Stewards started as a grassroots organization that focused on the log jam in Penrose in 2010 and the prevention of future log jams.

One of the earlier efforts of the French Broad River Stewards involved surveying every landowner that owned property on either side of the French Broad River. The results were positive, and landowners indicated that the scenic beauty, good fishing sites, and habitat, paddling and floating the river, and wildlife uses such as hunting and birdwatching were most important to them. Water quality was also particularly important. Without the high quality of water, there would not be those opportunities for recreation, fishing, or just enjoying the water itself. Their efforts have contributed to the river having better water quality than sections of the river in Buncombe County, for example. In addition, when asked about the economic value of the river, 80% of respondents rated agriculture and tourism or recreational-based business as very to somewhat important. Most landowners agreed that proactive management of falling or fallen trees would save time, money, energy, effort, and soil and that the costs should be shared among local governments, landowners, camps, recreational businesses, and tourists.

Mr. Nergart informed that since 2012, Transylvania County has made an annual appropriation of around \$30,000 to the Soil and Water Conservation District for the cost of log jam removal. Recently, the

Transylvania County Tourism Development Authority has matched the County's dollars. Log jams continue to be an ongoing problem. Log jams do not only present problems with soil erosion and loss of land, but they prevent users from passing through safely.

Mr. Nergart wrapped up his comments by stating the information he provided gave a good historical account of the work of this organization. He then turned the presentation over to Executive Director Kieran Roe.

Mr. Roe thanked Transylvania County for being a great partner with their organization, as well as with the French Broad River Stewards, and everyone who has had an interest in making the French Broad River an asset in our community. He talked to Commissioners about a grant that Conserving Carolina recently received from the Transylvania County Tourism Development Authority (TCTDA). The TCTDA asked Conserving Carolina to undertake a French Broad River blue way plan to identify strategies and projects to improve recreational access to the river and enhance river users' experience. This work will build on work that the County has already undertaken with the French Broad River Access Study produced by NCGrowth in October 2019. Conserving Carolina intends to use these grant funds to study the recreational use of the river and ways they can improve the overall use of the river, such as user-friendly access points, signage, determining gaps to access, and adding new points of access. Conserving Carolina has already received matching funds from another grant source that will help them plan for recreational uses, as well as for the restoration of natural habitat and water quality. At this point, Mr. Roe turned the presentation over to Greg Jennings of Jennings Environmental. Mr. Jennings is an environmental contractor working with Conserving Carolina to undertake much of the planning for both recreation and restoration.

Mr. Jennings showed a map that identified all the river access points in Transylvania County that are navigable by tubers, boaters, and other users. Conserving Carolina is developing a complete inventory of each access, how they are being used, and how they can be improved. They intend to develop a set of specific recommendations for the TCTDA and the community to consider what would help improve access and ensure the river is more available to various users. Mr. Jennings showed an example of the blue way plan for the Penrose Boating Access Area which will become available to the community through their website. The blue way plan for this access point describes the access, owner, access type, etc. Mr. Jennings stated that one of their areas of interest is the parkland behind the Boys and Girls Club that was recently acquired by Transylvania County. This area is of keen interest to them because of the river access, wetlands areas, and the potential to improve wildlife habitat. The entire area is prone to flooding which will help them to understand the ecological process. He turned the presentation back over to Mr. Roe.

Mr. Roe shared that he was invited to this meeting to share with the Board the planning they are undertaking along the French Broad River and that Conserving Carolina wants to partner with Transylvania County because many of the existing river access points are found on the county-owned or county-managed property. Mr. Roe requested permission to conduct their planning work on these sites, particularly the newly acquired parkland. Conserving Carolina would seek funding for any necessary restoration or recreational improvements at no cost to the County.

Chairman Chappell called for questions and comments from the Board.

Commissioner Chapman inquired as to why the TCTDA did not approach the Board of Commissioners to debrief them on their plans before contracting with Conserving Carolina. He encouraged better communication in the future to avoid duplication of work. Mr. Roe explained the purpose of this presentation is to inform the Board of Commissioners. He said Conserving Carolina wants to take

advantage of this opportunity and work closely with the County to do something good for the French Broad River.

Commissioner Guice currently serves as the County Commissioner appointee to the TCTDA. He shared that the decision on the grant award was made before his appointment. He asked for this item to be placed on the agenda to inform the Board, but he did not believe there was ever an effort to mislead or hide information from the Board. Commissioner Guice thanked Conserving Carolina for its efforts. He felt that this study would build on what the County has already done.

Again, Mr. Roe offered pro bono work by Conserving Carolina to conduct preliminary planning at the access points on the county-owned property along the French Broad River.

The Board of Commissioners gave Conserving Carolina the permission that they requested with the caveat that any recommendation would have to come back before the Board for consideration. The Board of Commissioners has yet to decide on how they intend to use the newly acquired parkland.

## APPOINTMENTS

### JUVENILE CRIME PREVENTION COUNCIL

The following terms expire June 30, 2021:

<b>Member</b>	<b>Position</b>
Adrienne Becton-Marsh	Chief Court Counselor or Designee
Jake Dalton	County Commissioner
James Felty	Nonprofit or Faith Community Affiliated
Kristen Gentry	County Health & Human Services
Jonathan Griffin	County Manager or Designee
Sarah Hatch	Mental Health Director or Designee
Susan Huter	Commissioner Appointee
Alan Justice	Local School Superintendent or Designee
Ricky Lambert	Commissioner Appointee
Andrew Muirhead	Commissioner Appointee
Jeffrey Patterson	Commissioner Appointee
Greg Stroup	Local Law Enforcement

Staff recommended the reappointment of each of these members.

Several months ago, the Board approved a recommendation to reduce the size of this council from 26 to 19. An unintended consequence of reducing the membership resulted in 12 members' terms expiring in the same year, and seven in another. Staff requested that the County Commissioner position (filled by Commissioner Jake Dalton) and County Manager or Designee position (filled by Finance Director Jonathan Griffin) be reappointed for a one-year term to make the term limits more even. This would result in 10 terms expiring one year and nine the next.

Additionally, there are four vacancies:

1. Student/Individual Under Age of 18
2. Judicial System Representative or Member-at-Large
3. Member of Business
4. Commissioner Appointee



Staff will continue to advertise for the remaining vacancies.

**Commissioner McCall moved to make appointments to the Juvenile Crime Prevention Council as recommended and to change the expiration dates for the terms as recommended, seconded by Commissioner Guice, and unanimously approved.**

#### PARKS AND RECREATION COMMISSION

The terms of Wyn Birkenthal, Robert Hurring, and Heather Layton expire at the end of June. Robert Hurring is not interested in serving another term. Heather Layton, while interested, is not recommended for reappointment due to her lack of attendance. Wyn Birkenthal is eligible and willing to serve another term.

With several resignations and appointments to fill unexpired terms over the last couple of years, the terms have become lopsided in that three terms expire in 2021, one expires in 2022, and three expire in 2023. To even up the terms, staff proposed to extend Wyn Birkenthal's current term by one year since he is serving two years of an unexpired term. That would have his term expiring in 2022 at which time he would be eligible to serve another full three-year term.

In addition, there are several applications on file to fill the positions to be vacated by Robert Hurring and Heather Layton. It is the recommendation of Parks and Recreation Director Jared Mull to appoint Carl Conley and John Felty to fill those positions.

**Commissioner Chapman moved to extend Wyn Birkenthal's term by one year to June 30, 2022, and to appoint Carl Conley and John Felty to fill the terms vacated by Robert Hurring and Heather Layton effective July 1, 2021, seconded by Commissioner Guice and unanimously approved.**

#### **OLD BUSINESS**

#### 2<sup>ND</sup> COURTROOM UPDATE – THREE YEAR OPTION

In 2014, the Board of Commissioners relocated into the current County Administration Building and ceased holding their meetings in the large courtroom in the Courthouse. Following the move and for security and liability purposes, the only allowable use of the Courthouse was for court functions. In 2019, court officials approached the County about the need for a second courtroom. Court officials expressed that a second courtroom must meet certain specifications, to include exclusive use by the courts, which eliminated such options as the Masonic Lodge and American Legion Building for consideration.

In April 2021, Commissioners determined that the Elections Center conference room would be the most appropriate space for a second courtroom with exclusive use. They instructed staff to work with Elections and other departments to relocate any activities to accommodate the directive. Court officials later indicated their previous request for exclusivity could be forgone and that they were agreeable to making Elections work as a second courtroom while the Board of Commissioners worked on a permanent courthouse solution. In addition, court officials offered to minimize the impact of holding court in the Elections building by scheduling smaller dockets.

With exclusive use no longer being a requirement, the Board of Commissioners recently instructed the Manager to reevaluate previous options and any other feasible options that would eliminate the impact to essential County government functions by holding court in the Elections Center.

The County is responsible for providing court space with the Sheriff's Office accountable for the security. The Board of Commissioners must decide on an acceptable level of risk. The Manager offered three additional options for a second courtroom location that require lessening the security protocols.

- Masonic Lodge lower floor
- Grace Community Church (American Legion Property)
- Rosman Town Hall

Funds from the Courthouse Assigned Fund Balance could be used to cover the cost of a lease, as well as the security equipment and additional staffing. The Manager reemphasized that nonexclusive use increases the risk level, but the risk can be minimized with the appropriate security measures.

Staff met with court officials last week to tour the sites. Below is their feedback:

- Rosman Town Hall
  - Too far to travel to retrieve files
  - Anyone assessed a fine would have to go to the courthouse to pay
- Masonic Lodge
  - Difficult one for operations
  - The layout of the room would be a challenge due to the location of the public entrance
  - Consistent noise from the ice maker would be problematic
  - Security and security equipment would have to be outside in all weather conditions
- Grace Community Church/American Legion
  - Most workable
  - Could use the existing screen at the ADA entrance for security
  - Elevated space for the judge
  - Space for court officials to enter separately
  - Challenge with paid public parking (County could negotiate with the parking vendor for a daily rate to make the public parking available.)
- Elections Center conference room
  - Preferred option
  - Challenges with exclusive use and impacts to other essential County services and to those who use the conference room

The operation of a second courtroom offsite will require additional personnel. The Sheriff has requested to upgrade a current position from 30 hours/week to 40 hours/week and to add two part-time deputies for a total budgetary impact of \$54,507. The cost to purchase a portable detector is \$16,409. The positions and equipment must be in place to be ready for operations. A lease is not expected to exceed \$25,000 annually. The total fiscal impact will depend on the Board's final decision.

The Manager asked the Board to discuss a policy regarding the exclusive use of space for court functions and provide guidance on which space to pursue for use as a second courtroom. The Board should consider their comfort level for the liability and security, whether exclusive use is necessary based on recent feedback from court officials, and the impacts of each option. The Manager also asked the Board to approve the personnel and equipment expenditures necessary to operate the second courtroom totaling \$77,997 with funds to come from the Courthouse Unassigned Fund Balance.

Commissioners and staff embarked on a lengthy discussion and asked several clarifying questions to guide their decisions.

Chairman Chappell asked staff to ensure the purchase of the portable metal detector includes a maintenance agreement within the contract.

Commissioner Chapman shared that he and Commissioner Guice toured the facility options with court officials. He reminded the Board that the American Legion currently contracts with a vendor to charge for parking which is not popular with its members. He felt that the County subcontracting with the vendor was a negative and thus he did not support using the American Legion facility. Commissioner Chapman supported the request by court officials to use the Elections Center conference room.

Commissioner Guice expressed that parking will be an issue on the County's campus. He asked if staff identified who is parking on the campus daily. If staff are parking in the spaces in front of the Elections Center, he suggested finding an alternate location for them during court days. The Manager informed that those parking spaces are used by Elections staff and by anyone in the community using the services in any of the County's campus buildings. Staff in those buildings park in the lots adjacent to the buildings in which they work. County-owned vehicles occupy half of the Child Development parking lot. An audit of parking spaces versus staff revealed there are sufficient spaces for staff and some public.

Commissioner Guice was also concerned with the number of people who will be attending court sessions during the use of the Elections Center. While he commended court officials for committing to keeping the dockets low, he pointed out that does not count whoever might be coming to court with the person on the docket or a victim and their family members. This already happens with the current courts being held in the courthouse. There is not enough parking to accommodate that number of people. Commissioner Guice pointed out that the people on the court docket are different than those visiting the Tax Office or Register of Deeds Office. They are coming to court because they have been summoned to do so and the circumstances are not always pleasant. With that said, Commissioner Guice affirmed that court officials have indicated they will reduce the dockets as much as possible, and the Sheriff's Office can appropriately handle the security of the facility; therefore, he supported their request to use the Elections Center conference room as a second courtroom. He thanked the staff for all their work trying to resolve this issue.

Commissioner Dalton supported the use of the Elections Center conference room for use as a second courtroom based on the feedback from court officials and the Sheriff's Office.

Commissioner McCall supported semi-exclusive use of the Elections Center by the courts in that only they and Elections may use the conference center, but no other County departments or outside groups. She was concerned about the liability associated with allowing use by others. If these offices worked together on the scheduling, she supported the use of the space in a semi-exclusive way.

Commissioner Chapman disagreed with Commissioner McCall's proposal. He did not feel there would be an issue if the room is secured during court use. He was unsure what would be gained by allowing the space to sit empty on other days.

Commissioner Guice sided with Commissioner Chapman noting that court officials have indicated they can make use of the room without interruption to other uses and thus he trusted the information they presented.

**Commissioner Chapman moved to appoint the Board of Elections conference room to be used as the temporary courtroom in coordination with the Board of Elections, the Clerk of Court, and courthouse security and that use of the room is not exclusive to this function, seconded by Commissioner Guice, and approved by a vote of 4 to 1, with Commissioner McCall voting against.**

**Commissioner Guice moved to authorize the appropriation of funds of up to \$77,977 from the Courthouse Assigned Fund Balance to include adding two part-time deputies and increasing the 30**

**hours/week position to 40 hours/week and a maintenance clause for the purchase of the portable metal detector, seconded by Commissioner Dalton, and unanimously approved.**

## NEW BUSINESS

### FY 2022 BUDGET PROPOSAL

The Board held two workshops to deliberate the FY 2022 budget and following held two public hearings to receive public input.

Major items in the FY 2022 Budget are:

- General Fund ad valorem property tax rate: \$0.6033 per \$100 valuation assessed on property
- Fire Service District ad valorem property tax rate: \$0.05 per \$100 valuation
- Total General Fund: \$69,136,425 in revenues and expenditures
- Total Fire Service District fund: \$2,749,917 in revenues and expenditures
- Solid Waste fees to include: \$3 sticker/bag fee; \$62/ton scale rate and \$15 minimum scale fee

Staff recommended approval of the FY 2022 Budget Ordinance.

Before Board action, Chairman Chappell thanked staff for all their hard work preparing the budget. He pointed out he has never agreed 100% with the budget, but the Board has a responsibility to set a budget based on individual priorities and statutory requirements. He thanked Commissioners for having difficult discussions and tackling tough decisions. While Commissioners may disagree on some things, he emphasized that Commissioners are doing their best to serve the citizens of Transylvania County.

**Commissioner McCall moved to approve the FY 2022 Budget Ordinance as submitted, seconded by Commissioner Guice.** Commissioner Chapman commented that Transylvania County provides especially important services to the citizens, but those services come at a cost. He pointed out that before the passage of the school bond, Transylvania County had one of the lowest property tax rates in the State. Now the tax rate is in the middle of the range compared to all 100 counties. With that said, Commissioner Chapman felt that the overall budget was great, but he encouraged departments to continue finding ways to save. He reminded the Board they still have some big decisions before them, and he expected those to come by the end of the year. At this time, he fully supported the budget as presented. Commissioner McCall was grateful to the County Manager and her staff for all their work and for being so gracious with their time. She acknowledged that rarely does anyone agree to 100% of a budget but this one comes close for her. She was thankful the Board had addressed some issues that have gone unaddressed over the last few years while continuing to protect taxpayers the best they can. She also encouraged departments to continue seeking efficiencies and commended them for their current efforts. She noted she would like to see the School System conduct an efficiency study, understanding this discussion is outside the purview of the budget decision. She supported the overall budget. Commissioner Dalton was thankful to be part of this community and for having the opportunity as an elected official to make decisions that will impact the future of the citizens in this community. For that reason, he expressed appreciation to each Commissioner for all the hard work that went into this budget process, as well as the Manager, Finance Director, and departments who provide valuable services to citizens. Commissioner Dalton remained strong in his stance about cutting services in Solid Waste and then revisiting the issue later to gauge the impact of reducing services. He supported most of the budget but would be voting against it due to the tax increase needed for Solid Waste services. Chairman Chappell again thanked all those working behind the scenes to ensure a transparent budget process. He was supportive of monitoring issues, like Solid Waste and the second courtroom, and revisiting those

decisions if needed. **The FY 2022 Budget Ordinance passed by a vote of 4 to 1, with Commissioner Dalton voting against.**

NC GENERAL STATUTE CHAPTER 160D LOCAL PLANNING AND DEVELOPMENT REGULATIONS

Planning and Community Development Director Allen McNeill presented this item for approval. The NC General Assembly instituted changes to Chapter 160D requiring text amendments to the County's land use ordinances. To comply with the statutory requirements, staff recommended 82 changes across nine different ordinances. The Planning Board and the County Attorney have reviewed the changes and were favorable to the recommendations.

At the Board's previous meeting, staff presented the recommended changes in a public hearing. The draft ordinance revisions have been posted to the County's website since early May. Staff recommended the Board consider the proposed ordinance amendments as presented for adoption or adoption with modifications. Each ordinance must be amended separately requiring nine different motions. Staff prepared the language for each motion ahead of time to assist the Board with complying with the statutory requirements. Staff also provided guidance on those amendments that are recommended but not required by Chapter 160D.

Flood Damage Prevention Ordinance

**Commissioner Guice moved to amend the Transylvania County Flood Damage Prevention Ordinance with changes required and recommended by North Carolina General Statute 160D as presented by staff, seconded by Commissioner McCall and approved unanimously.**

Historic Preservation Commission Ordinance

**Commissioner McCall moved to amend the Transylvania County Historic Preservation Commission Ordinance with changes required by North Carolina General Statute 160D as presented by staff, seconded by Commissioner Guice and approved unanimously.**

Manufactured Home Park Ordinance

**Commissioner Dalton moved to amend the Transylvania County Manufactured Home Park Ordinance with changes required and recommended by North Carolina General Statute 160D as presented by staff and recommended by the Transylvania County Planning Board, seconded by Commissioner Chapman, and unanimously approved.**

Pisgah Forest Community Zoning Ordinance

**Commissioner McCall moved to amend the Pisgah Forest Community Zoning Ordinance with changes required by North Carolina General Statute 160D as presented by staff and recommended by the Transylvania County Planning Board, seconded by Commissioner Chapman, and unanimously approved.**

Planning and Development Charter

**Commissioner Guice moved to amend the Transylvania County Planning and Development Charter with changes required and recommended by North Carolina General Statute 160D and changes recommended by the Transylvania County Planning Board as presented by staff, seconded by Commissioner Chapman, and unanimously approved.**

Subdivision Control Ordinance

**Commissioner Chapman moved to amend the Transylvania County Subdivision Control Ordinance with changes required and recommended by North Carolina General Statute 160D and changes**

**recommended by staff and the Transylvania County Planning Board, seconded by Commissioner McCall, and unanimously approved.**

*Watershed Protection Ordinance*

**Commissioner McCall moved to amend the Transylvania County Watershed Protection Ordinance with changes required and recommended by North Carolina General Statute 160D as presented by staff and recommended by the Transylvania County Planning Board, seconded by Commissioner Dalton, and unanimously approved.**

*Telecommunication Tower Ordinance*

**Commissioner Chapman moved to amend the Transylvania County Telecommunication Tower Ordinance with changes required by North Carolina General Statute 160D as presented by staff, seconded by Commissioner Guice and unanimously approved.**

*Mountain Ridge Protection Ordinance*

**Commissioner Dalton moved to amend the Transylvania County Mountain Ridge Protection Ordinance with changes required by North Carolina General Statute 160D as presented by staff, seconded by Commissioner Chapman and unanimously approved.**

LETTER OF SUPPORT FOR MISSION FREESTANDING EMERGENCY DEPARTMENT

EMS Director Kim Bailey reported that Mission Hospital intends to submit a Certificate of Need application to open a freestanding emergency department (ED) at the intersection of US 25 and Airport Road. It is not anticipated to have any financial impacts on Transylvania County EMS, but the staff has general concerns about how this facility may impact Transylvania Regional Hospital.

Ms. Bailey invited Greg Lowe from Mission Health to give a brief presentation and answer questions from the Board. Mr. Lowe is the Division President with HCA responsible for the healthcare system in WNC. He reported that Mission is proposing to build an 11,000 sq. ft. facility to house a freestanding ED with full lab and imaging capabilities, emergency medicine, and trained physicians, with round-the-clock care. This freestanding ED would provide an access point for residents closer to their homes, whereas now they must travel 10+ miles to Mission Hospital in Asheville that currently sees over 100,000 patients annually. Mr. Lowe stated that the new access point is not expected to impact Transylvania Regional Hospital.

Mr. Lowe informed that they have already applied for the Certificate of Need. The deadline to apply was June 15. They submitted the application along with letters of support from surrounding communities and EMS agencies. He stated that Mission and HCA are appreciative of their partnership with TCEMS. They want the Board of Commissioners to feel comfortable about having a new access point that is intended to serve all residents of WNC.

Mr. Lowe expected approval of their Certificate of Need application in the third or fourth quarter of the year. They are currently finalizing the purchase of the land. Once the application is approved, construction will begin which is expected to take 10 to 11 months and another couple of months to move in all the equipment. In the meantime, they will be working to hire the necessary positions to effectively run a freestanding ED.

Ms. Bailey shared that County staff met to discuss the proposal and shared their concerns which were submitted to Sondra Smith, Division VP of Strategy and Planning. Ms. Smith responded to their concerns. Those concerns were shared in a draft letter of support. Ms. Bailey stated the goal is to ensure Transylvania County has a local hospital that is active and robust while ensuring that the medical needs of all citizens in our region are met. Staff requested the Board approve the letter of support.

After receiving answers to their questions, **Commissioner Chapman moved to approve the letter of support for the freestanding emergency department, seconded by Commissioner Guice.**

Commissioner McCall was in favor of sending the letter of support as long as the care of patients is not diminished or delayed by having a second stop along the way. With that said, she said she trusted EMS to make the best decisions based on the critical illness of the patient and whether they should be treated at Mission Hospital or elsewhere. Commissioner Guice commented that citizens of this community worked hard to ensure their fellow citizens received medical care through the building of a hospital years ago. He said while there have been challenges with the recent purchase of the hospital by HCA, Transylvania County looks forward to the future. He thanked all first responder staff for the services they provide to the citizens of our community. Chairman Chappell thanked staff for their daily work to ensure the needs of our citizens are met. He thanked Mr. Lowe for coming before the Board to make this request for the letter of support, although it was not necessary since Mission has already submitted the application along with other letters of support. He hoped that Mr. Lowe saw how resolute and concerned Commissioners are about our local hospital and their desire to ensure it thrives in this community. There being no further comments, **the motion passed unanimously.**

#### AMERICAN RESCUE PLAN – RELIEF FUNDING ALLOCATION

Finance Director Jonathan Griffin asked the Board of Commissioners to consider staffs' recommendations on the adoption of a spending plan for the expenditure of the American Rescue Plan Act. On June 2, the County received its first allocation of funds from the US Treasury totaling \$3.3 million. The Local Government Commission (LGC) has published advice to local governments concerning the accounting, auditing, and budgeting of these funds. Specifically, the LGC advised, based on their interpretation of the fiscal control act, that counties must have a budget in place for the expenditure of these funds effective July 1. This can be done through a separate ordinance or by amending the annual budget.

The LGC specifically singled out a grant ordinance that is authorized by statute (N.C.G.S § 159-32.2). Mr. Griffin drafted a grant ordinance for the Board's consideration that formalizes the commitments the Board made regarding these funds in previous meetings. It does not commit the County to anything beyond that.

Mr. Griffin shared that the County has more of an advantage this time that it did not have when considering how to spend the CARES Act funds. Other resources are flowing into the community which the County was unable to discern with the CARES Act because everything was moving so quickly at the time.

ARPA-based funds will be going to the municipalities - \$2.5 between the City of Brevard and Town of Rosman – and the School System – totaling about \$7 million. Higher education institutions – Blue Ridge Community College and Brevard College – should receive \$6.5 million. The State of North Carolina must still decide on how to allocate the \$5.2 billion in fiscal recovery funds it expects to receive.

The LGC recommended counties wait on any decision-making about spending these funds. Their guidance is due to counties' previous experience with the CARES Act Coronavirus Relief Funds. These funds were administratively complex to administer due to both shifting rules and resources from other entities which made planning particularly challenging. One example was that early on in the pandemic, County staff evaluated allocating CARES Act resources to assist with managing the daytime child and youth care needs through our Parks and Recreation department for essential workers who needed to go to work but had limited options in the early pandemic. Due to how the State allocated its CARES funding, Transylvania County ended up being a subrecipient of these funds and was paid \$100,000 by another agency to provide these services, rather than Transylvania County using its own CARES allocation.

Being able to understand those impacts will be beneficial to the County. The federal Treasury guidance is not yet finalized. How the final rules will interplay with various state and local laws will be challenging as well. Transylvania County has allocated \$2.7 million of its ARPA allocation between the Gaia Herbs sewer expansion project and the City of Brevard Falling Waters development. Mr. Griffin recommended the Board adopt a grant ordinance that formalizes their commitment to these projects. Staff will bring forth additional projects for the Board's consideration on a formal case-by-case basis. Transylvania County has another \$3.9 million in uncommitted ARPA funds remaining.

The second item Mr. Griffin asked the Board to consider was related to nonprofit agencies. He reported that some counties have prematurely issued a request for proposals from nonprofit agencies to allocate some of their rescue plan dollars as a grant award. As the Treasury had not published the interim rule yet, many other government units have solicited proposals from nonprofit agencies to spend down ARPA funds, but they did so based on the rules and restrictions of the CARES Act.

The guidance for ARPA takes a stricter approach to how the funding can be used. The ARPA approach is about strategic investment over a longer period. The CARES Act's primary focus was on enabling quick responses and actions by state and local governments, as opposed to the ARPA approach. If the Board is open to awarding fiscal recovery funding to nonprofit agencies that operate in Transylvania County, staff could issue a call for proposals and evaluate whether applications fit the criteria after the County received the final Treasury rules. This would allow for an opportunity to review potential project scopes. Staff would bring the proposals back before the Board for consideration. Mr. Griffin emphasized, however, that whether the County's nonprofit partners qualify for these funds remains questionable. Other jurisdictions have acted prematurely based on their assumptions and they later realized some of the expenditures did not qualify under the funding guidelines. For this reason, staff intends to be careful with its intentions, noting that they fully expect each expense under these federal acts to be audited closely. Otherwise, there could be clawbacks that negatively impact the County and its funding partners. At the same time, the staff wants to ensure these funds have the highest impact on our community.

Chairman Chappell called for questions and comments from the Board.

Commissioner Guice was concerned about soliciting proposals from nonprofits when the spending rules remain unclear. Otherwise, he felt that soliciting proposals could create false hope in the community, particularly when nonprofits are already experiencing significant cuts in other funding resources. He encouraged the Board to hold off making this decision until there is a better understanding of the rules.

Commissioner Chapman took a different approach to the issue. He felt the County should move forward with soliciting proposals with a disclaimer about the rules. He stated that seeking proposals now could help the Board understand and prioritize the needs in the community.

Chairman Chappell agreed with the points made by both Commissioners Chapman and Guice. He asked if staff were aware of when the final guidance would be issued. He supported issuing a call for proposals but wanted to ensure that nonprofits understood no funding would be allocated until the final guidelines have been issued. The Manager expected at least a 60-day pause noting she did not expect to receive final guidance from the Treasury until late July. Once issued, counties must begin the monthly reporting requirements in August on how they are spending the funds. The Board could delay a decision until September.

Chairman Chappell inquired about the timeline for the proposal process once the County receives guidance. The Manager informed the Board they have time to work with. Staff could solicit proposals closer to the end of the summer after the guidance has been issued. She pointed out that nonprofits will have to be directed to read the US Treasury guidance themselves so they can understand the restrictions.



She expected the process to be lengthy. Her main concern about issuing a call for proposals now was inadvertently wasting the nonprofits' time. On the other hand, she felt there may be areas in which they would qualify to receive funding to meet community needs.

Commissioner McCall shared that from her experience Treasury guidance for use of federal funds is challenging to fully understand. Many times, the rules are subjective and can change overnight. A proper accounting of the funds is necessary, and these federal funds cannot be commingled with a local government's general fund. She suggested that nonprofits be prepared to submit proposals based on their reading of the Treasury guidelines if they have a proposal that qualifies, but she did not want to add the burden to County staff for keeping up with those proposals at this time. When the County is ready to seek proposals, the nonprofits would be ready to submit their requests based on the rules. She expected the guidance to continue to change.

Chairman Chappell suggested a motion on staffs' first recommendation concerning accepting the distribution and adopting the preliminary ordinance, then tabling the decision on seeking requests for proposals. He felt it was important that the County Commissioners are aware of how other entities – Transylvania County Schools City of Brevard, et al. – are spending their funds to avoid duplication of service.

**Commissioner Guice moved to accept ARPA distribution and adopt the recommended preliminary multi-year grant ordinance, seconded by Commissioner McCall and approved unanimously.**

Commissioner Guice commented that he has never experienced a time when so many funds are flowing through the County to various local government organizations. He hopes these funds will go toward tackling critical needs, like infrastructure.

**Chairman Chappell moved to table seeking requests for proposals until the next meeting, seconded by Commissioner Chapman and unanimously approved.**

#### RESOLUTION IN SUPPORT OF HART ROAD PROJECT FOR FLOOD MITIGATION

The NC Department of Transportation Division 14 has prepared a project proposal using NCDOT statewide contingency funding to elevate 700' of Hart Road at Everett Road to eliminate frequent flooding. Transylvania County Emergency Services supported this project for the protection of life and safety. This section floods multiple times a year, as well as Cascade Lake Road at Merrell Lane, leaving the gravel section of Cascade Lake Road as the only emergency access which adds 20-30 minutes to their response time. Additionally, the gravel section has experienced complete failures during storms over the past five years that resulted in total closure for an extended period. Residents in the area have expressed growing concern over this issue to NC Senator Edwards, as well as to County staff. To make an application for the funding, Division 14 needs a resolution of support from the Transylvania County Board of Commissioners.

**Commissioner Dalton moved to approve Resolution 22-2021 In Support of Hart Road Project for Flood Mitigation, seconded by Commissioner McCall, and unanimously approved.**

#### **RESOLUTION #22-2021 IN SUPPORT OF HART ROAD PROJECT FOR FLOOD MITIGATION**

**WHEREAS**, Transylvania County is responsible for emergency services in the county; and

**WHEREAS**, Transylvania County receives a high amount of rainfall compared to other counties in North Carolina causing flooding of Hart Road at Everett Road and Cascade Lake Road at Merrell Lane multiple times a year; and

**WHEREAS**, flooding of Hart Road at Everett Road and Cascade Lake Road at Merrell Lane leaves only the gravel section of Cascade Lake Road to access citizens for emergency response with an additional 20-30 minutes of response time; and

**WHEREAS**, the gravel section of Cascade Lake Road has had two failures in the last five years that resulted in prolonged closure for repairs that created inaccessibility on public roads to county residents when Hart Road and Cascade Lake Road at Merrell Lane were closed due to flooding; and

**WHEREAS**, additional response time increases the chances of loss of life and property during emergency response; and

**WHEREAS**, NCDOT Division 14 has prepared plans for the elevation of 700 feet of Hart Road to be raised to eliminate flooding and provide consistent emergency access to citizens living in the area; and

**WHEREAS**, the project would qualify for Statewide Contingency funding and prevent loss of life and property by securing emergency access during floods, thereby doing a public service, and protecting public safety;

**NOW, THEREFORE, BE IT RESOLVED** that the Transylvania County Board of Commissioners does hereby recommend and urge funding to elevate 700 feet of Hart Road at Everett Road in Transylvania County, NCDOT Division 14.

Adopted this the 21<sup>st</sup> day of June, 2021.

S://Jason R. Chappell, Chairman  
Transylvania County Board of Commissioners

**REQUEST BY CHAMBER OF COMMERCE TO USE COMMISSIONERS' CHAMBERS FOR CANDIDATE FORUM**

The Brevard/Transylvania Chamber of Commerce has requested the use of Commissioners Chambers on September 21 or 23, with September 21 being their first choice, to hold a candidate forum. The nature of the business they conduct has led the Chamber to host a candidate forum annually. Basic details of their request include the following:

- Event time: 5:30 pm-9 pm, with set up beginning at 4 pm and 30 minutes to tear down afterward
- Allow public attendance
- Livestream event – requires County IT support
- A/V requests/needs: microphones for each candidate and moderator, soundboard, video – requires County IT support

The Manager asked the Board to consider the request by the Brevard/Transylvania Chamber of Commerce and direct staff on how to proceed.

Chairman Chappell expressed he was not against their request to use the facility, but he was concerned about expending staff time and County resources. He asked whether Commissioners should use this request as a reason to draft a facility usage policy for outside groups.

Commissioner Guice agreed, noting that requests for using County facilities continue to grow. He felt it was appropriate to have a policy in place when expending County resources. He preferred staff to draft a policy as soon as possible and that it considers hours of usage and a user fee.

Commissioner McCall added that it is routine for organizations to have a usage policy in place, including assessing a user fee.

**Chairman Chappell moved to table this item until the July 12 meeting and for staff to prepare a policy to include a fee schedule for the Board's consideration, seconded by Commissioner McCall, and unanimously approved.**

The Manager will inform the Chamber that their request has been tentatively approved for their planning purposes but is pending a policy that includes a user fee.

#### MANAGER'S REPORT

The Manager reported the following:

- Kudos to Scott Justus in the Fire Marshal's office from North Transylvania Fire Department Chief Jason Davis for his continual support and assistance. "Scott is a tremendous instructor and serves as a mentor to a lot of our young volunteers in our department as well as across our county!"
- County Animal Services continues to work with the DA's office on two animal cruelty cases and will continue to support their efforts and advocate for our community's animals. The County cannot comment further on those cases at this time.

#### **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.*

Kristi Brown: Ms. Brown thanked the Board of Commissioners and County staff for recognizing the need for a second courtroom.

#### **COMMISSIONERS' COMMENTS**

Commissioner Chapman shared that he attended a retirement ceremony for Sergeant Howard Thiele on Saturday at the VFW. During the ceremony, he read aloud the proclamation recently passed by the Board that recognized his service on the Transylvania County Honor Guard. He reported that Dawn Ellis will become the new leader of their organization and he is confident she would do a wonderful job.

**Chairman Chappell moved to enter into closed session per North Carolina General Statute § 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, following a 10-minute recess, seconded by Commissioner Guice, and unanimously approved.**

### CLOSED SESSION

Per North Carolina General Statute § 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, a closed session was entered into at 9:05 p.m. Present were Chairman Chappell, Commissioners Chapman, Dalton, Guice and McCall, County Manager Jaime Laughter, County Attorney Bill Bulfer, and Clerk to the Board Trisha Hogan.

The Board consulted with the County Attorney on a privileged matter and directed staff on how to proceed.

**Chairman Chappell moved to leave the closed session, seconded by Commissioner McCall, 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, **Commissioner Chappell moved to adjourn the meeting at 9:20 p.m., seconded by Commissioner Dalton, and unanimously approved.**

---

Jason R. Chappell, Chairman  
Transylvania County Board of Commissioners

ATTEST:

---

Trisha M. Hogan, Clerk to the Board