

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
July 11, 2022 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, July 11, 2022 at 4:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

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

Media: *The Transylvania Times* – Jonathan Rich
Brevard Newsbeat – Dan DeWitt

There were approximately 15 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 4:02 p.m.

WELCOME

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

PUBLIC COMMENT

The comments made by the public represent the individual speaker's opinion or point of view.

Alice Wellborn: Ms. Wellborn stated that at the Board's meeting on June 20, the document outlining the Board's conditions for approving the school bond projects was read aloud twice but both times the document was read so quickly and unclearly, that the audience could not understand what was being read and had no idea what the Commissioners were voting on. She accused the Board of Commissioners of having questionable closed session meetings to discuss School Board business, and she quoted NC Open Meetings Law which states that local governing boards may not discuss general policy issues in closed session. She also quoted the Board's Code of Ethics and reminded the Commissioners of their commitment to comply with both the law and their policies.

AGENDA MODIFICATIONS

There were no agenda modifications.

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

CONSENT AGENDA

Commissioner Dalton moved to approve the Consent Agenda as proposed, seconded by Commissioner Chapman, and unanimously approved.

The following items were approved:

APPROVAL OF MINUTES

The Board of Commissioners met in a regular session on Monday, January 10, 2022. Commissioners approved the minutes as submitted.

CANCELLATION OF AUGUST 8TH BOARD OF COMMISSIONERS' MEETING

Usually following the passage of the annual budget, the Board of Commissioners cancels a summer meeting to allow staff vacation time. Commissioners and staff will be traveling to Cabarrus County for the NCACC Annual Conference as well. There is no pressing business for the August 8, 2022 meeting. Commissioners cancelled the August 8, 2022 meeting and instructed the Clerk to the Board to publish and post the appropriate notice to the public.

MEDIA ONE DIGITAL MARKETING CONTRACT APPROVAL

This request is based on section 14 (c) of Transylvania County Resolution #35 - 2021, which established the Transylvania County Tourism Development Authority (TCTDA), and states that "Any contract with a monetary value of greater than \$50,000 shall be subject to the review of the Transylvania County Commissioners according to procedures the Board of Commissioners determines." The TCTDA submitted contracts with Digital Marketing covering the period August 2022 through June 2023. TCTDA staff also submitted a temporary contract to cover the month of July. One of the contracts is for \$210,250 for digital marketing. The other is for \$8,250 for search engine optimization. Patrick Scott with Teague Campbell has reviewed both and provided his approval. Commissioners authorized TCTDA Chair Layton Parker to sign the agreements, along with the County Manager on behalf of the County, and the preaudit signature by the Finance Director.

PRESENTATIONS/RECOGNITION

RECOGNITION OF CITIZEN ADVISORY COUNCIL MEMBERS

The Board of Commissioners recognized citizens who came off of a citizen advisory council during the period January 1, 2022 – June 30, 2022. The Clerk to the Board extended an invitation for those citizens to attend either meeting in June or this meeting.

Commissioners recognized Molly Jenkins for her service on the Joint Historic Preservation Commission by presenting her with a certificate of appreciation and an RTIC mug with the County logo on it. Ms. Jenkins, as a person interested in historic preservation, encouraged the Board to do what is necessary to preserve the courthouse

APPOINTMENTS

VOTING DELEGATE TO THE NCACC ANNUAL CONFERENCE

The NCACC's 115th Annual Conference Business Session will be held in Cabarrus County on Saturday, August 13 at 2:00 p.m. Each county is entitled to one vote on items that come before the membership, including the election of the NCACC Second Vice-President. Both Commissioners Chapman and McCall are registered to attend the conference. The Voting Delegate designations are due by Friday, August 5.

Commissioner McCall moved to designate Commissioner Chapman as Transylvania County's Voting Delegate for the upcoming NCACC Annual Conference in Cabarrus County, seconded by Commissioner Dalton and unanimously approved.

VOTING DELEGATE TO THE NCACC LEGISLATIVE GOALS CONFERENCE

The NCACC Legislative Goals Conference will be held over two days, November 16-17, in Wake County. Delegates will vote on the slate of goal proposals that have been thoroughly vetted with the final slate of proposals to be brought before the Association's membership in November. Submission of the Voting Delegate designations is due by Friday, August 5. Registration has not yet opened. Therefore, no County Commissioner is registered for this event as of this date.

Commissioner Chapman moved to designate Commissioner McCall as Transylvania County's Voting Delegate for the upcoming NCACC Legislative Goals Conference in Wake County on November 16-17, seconded by Commissioner Dalton and unanimously approved.

OLD BUSINESS

NCACC LEGISLATIVE GOALS

Every two years and the months preceding a long session of the General Assembly, the North Carolina Association of County Commissioners (NCACC) engages in a process to determine the legislative goals they should pursue in the best interest of counties. The process begins with counties submitting their legislative goals proposals, which are voted on by county boards and affirmed through a resolution from the county board chair. The NCACC will accept goal submissions through September 12.

All goal proposals must include a goal name, information on how the goal will positively impact local government, and any supporting documentation, data, etc. to affirm the goal.

At the June 13, 2022 Board meeting, Commissioners reviewed the goal submissions from the previous biennium and requested the carryforward of a couple of those for consideration, as well as new goals. They were:

1. Differentiated tax rate for non-NC residents
2. Broadband as a utility (carryforward)
3. NC Medicaid Expansion
4. Increase Lottery Fund proceeds to counties (carryforward)
5. Flexibility for local school district calendars.

Staff asked Commissioners to discuss and consider any additional goals for submission to the NCACC

The Commissioners asked staff to include the following goals:

1. Give counties flexibility on spending occupancy tax dollars. The NC General Assembly controls how these dollars are spent through legislation.
2. Criteria being used for county tier designations. The current criteria do not provide an accurate picture of a county's economic condition.
3. Mental health funding and services (carryforward)

Commissioners will consider approval of these goals via a resolution at their August 22 meeting.

NEW BUSINESS

INCLUSION OF COSSAP GRANT CLINICAL SUBSTANCE ABUSE COUNSELOR IN TRANSYLVANIA COUNTY PAY PLAN

Kristen Gentry with the CARE Coalition presented information on the position request. The County Health Department was awarded the COSSAP grant six months ago. She requested the Board approve the second of two full-time positions to fully staff the grant.

The main goals of the COSSAP grant project are to create access to trauma-informed behavioral health services and provide recovery and reentry services for people who are currently detained in the Transylvania County jail. The second of the two positions is the behavioral health clinician. That person will provide evidence-based therapeutic services to the detainees utilizing treatments that are proven effective for both PTSD and Substance Abuse Disorder, among other psychological disorders. With the combination of reentry services and mental health treatment services, the project aims to reduce violent conflict within the jail, harness positive health outcomes among criminal justice-involved individuals and reduce recidivism. The CARE Coalition is currently designing a thorough evaluation plan that will gauge the effectiveness of the project in meeting those outcomes.

Ms. Gentry reported the position will be fully funded for three years with federal dollars. The job posting will make note of the grant status of funding with continuation dependent on additional grant funding. The grant was awarded in December 2021, but the County can apply for a no-cost extension, especially if recruiting efforts take longer.

Human Resources Director Sheila Cozart stated that the Public Health Department is supervising this grant. Public Health is part of the Office of State Human Resources' policies and procedures, so staff had to submit the job description and duties of this position to the State. The State Human Resources office reviewed the submission and provided a title for the position of Clinical Substance Abuse Counselor. In the Transylvania County Pay Plan, the position would fall in the salary grade 118, which is similar to the Operations Director and Assistant Tax Administrator. This position must be licensed and have the appropriate credentials for a Clinical Substance Abuse Counselor. Staff is unsure how successful the recruitment process will be, but there has been some interest expressed already.

Commissioner McCall moved to approve and include the COSSAP Grant Clinical Substance Abuse Counselor in the Transylvania County Pay Plan, seconded by Commissioner Chapman and unanimously approved.

FIRE MARSHAL OVERLAP

Budget and Management Analyst Kate Hayes presented this item. She reported that the Transylvania County Fire Marshal has announced his upcoming retirement to be effective October 1, 2022, after serving Transylvania County for 30 years. The Fire Marshal requested an overlap for his replacement to allow for the service provision to continue uninterrupted and to maintain compliance with fire inspections which are integral to public safety.

In a department with two full-time employees and one part-time Fire Inspector, losing one employee without having the ability to train a replacement will put the department behind schedule for fire inspections and other required tasks pertaining to life safety. The Fire Marshal's Office also acts as the liaison to fire departments and the requested overlap time would allow a smooth transition with fire department leadership and County staff.

The financial impact of this request is minimal due to the current Fire Marshal's salary being at the top of his salary grade. The recommendation is to allow the Fire Marshal's Office to begin recruitment for the

position with an overlap of up to six weeks. The amount of \$682 will not be covered by lapsed salaries and thus staff requested Commissioners allocate those dollars from contingency.

Commissioner Chapman moved to allow the Fire Marshal's Office to recruit an employee to overlap with the Fire Marshal for a period of up to six weeks prior to the Fire Marshal's retirement using lapsed salaries and allocate the remainder of the cost from contingency, seconded by Commissioner Dalton and unanimously approved.

FY 2023 NONPROFIT FUNDING APPROVAL

Budget and Management Analyst Kate Hayes presented this item. She reported that Session Law 2021-191 implemented new procedures governing the exchange of resources between local government units and nonprofit corporations. This agenda item is the basis of the framework in which the County will handle the requirements of the session law in future budget years. Commissioners will need to acknowledge any conflicts of interest with nonprofit organizations that applied to receive County funding in the upcoming fiscal year. Any Commissioner who serves on the board of any nonprofit listed below will need to recuse themselves from voting on the contract funding of that board.

Staff recommended the Board consider funding the following nonprofits at the rate shown for FY 2023:

1. Transylvania Economic Alliance \$315,000
2. Transylvania Arts Council \$3,000
3. Blue Ridge Health \$10,000
4. Transylvania Boys and Girls Club \$5,000
5. Transylvania County Bread of Life \$6,000
6. Transylvania Farmers' Market \$10,000
7. Heritage Museum \$4,000
8. Historical Society \$4,000
9. Honor Guard \$3,000
10. Housing Assistance Corporation \$10,000
11. Isaac Homes Youth Shelter \$5,000
12. Pisgah Legal Services \$17,000
13. Transylvania Christian Ministry \$10,000
14. The Haven \$15,000
15. Veterans History Museum \$2,000

Commissioner Chapman reported a conflict of interest due to his service on the Veterans History Museum Board.

Commissioner Dalton reported a conflict of interest due to his service on the Transylvania Economic Alliance Board of Directors.

Commissioner McCall moved to approve the nonprofit contracts as submitted, minus the Veterans History Museum and Transylvania Economic Alliance contracts, seconded by Commissioner Chapman. Chairman Chappell thanked staff for their work on these contracts, noting that the process continues to improve each year. He stated all the applications are worthwhile, but the County is limited by statute on what it can fund. **The motion was approved unanimously.**

Commissioner Chapman moved to approve the contract for \$315,000 for the Transylvania Economic Alliance, seconded by Commissioner McCall and unanimously approved, with an abstention by Commissioner Dalton.

Commissioner McCall moved to approve the contract for \$2,000 for the Veterans History Museum, seconded by Commissioner Dalton, and unanimously approved, with an abstention by Commissioner Chapman.

Commissioner Chapman specifically noted the services provided by the Honor Guard and suggested a future presentation to highlight all they do for the community.

ACCEPTANCE OF EMERGENCY MANAGEMENT TRANSPORTATION INFRASTRUCTURE RESILIENCY GRANT

On June 21, 2021, the Board of Commissioners approved a resolution allowing the NC Department of Transportation to pursue statewide contingency funding to mitigate flooding in the areas of Hart Road, Everett Road, Cascade Lake Road, and Merrill Lane. The purpose of applying for the funding was to elevate the road to mitigate flooding, allowing not only residents to have the ability to pass through, but access by emergency vehicles. The application for contingency funding was not approved.

In April 2022, the County received an opportunity to apply for funds through NC Emergency Management in the Transportation Infrastructure Resiliency Fund (TIRG). NCDOT provided the project information to pursue the grant including a project budget. In June 2022, the County received notice that it had been awarded \$2,365,016 for the flood mitigation project.

The Manager advised that the Board needs to accept the funds for the TIRG and sign an Administration of Project Agreement with The NC Department of Transportation (NCDOT) to move the project forward. The application was submitted contemplating that the NCDOT would perform the work and contracting, and the County would act as the fiscal agent. The Manager provided the Board with an updated draft of the agreement with NCDOT which was submitted to her today. She suggested the County Attorney continue reviewing the agreement and finalizing negotiations before final approval by the State Board of Transportation in September.

She welcomed input from Commissioners to negotiate the final agreement with the NCDOT.

Commissioner Chapman moved to approve the Chairman to sign the grant acceptance paperwork for the TIRG grant, authorize the County Manager to finalize the administration agreement with NCDOT to include a review by the County Attorney and sign upon approval by the NC Board of Transportation, and amend the Multi-Year Grant Fund, seconded by Commissioner Dalton.

Commissioner Dalton inquired about the workload on County staff to administer the grant. The Manager stated actual contracting and project completion will be conducted by the NCDOT, but staff will be involved with them to ensure all the necessary documents are received to draw down the grant funds and reimburse any expenses they have. This requires some work on the part of County staff, but the benefit is having the ability to partner with the State to implement the project. NCDOT initiated this funding opportunity, and the County is committed to making sure the project is completed. Chairman Chappell thanked Eagle's Nest Camp for allowing access through their property during times of flooding. **The motion was unanimously approved.**

MANAGER'S REPORT

The Manager reported the following:

- NCACC Annual Conference will be held in Cabarrus County in early August. The conference will include an in-depth training course designed to equip county commissioners with the knowledge, tools, and resources to guide their communities through emergencies. Since the beginning of NCACC President Frank Williams' tenure, a focus of his "100 Counties Prepared" initiative and the task force he appointed has been to create training to prepare commissioners to

lead effectively during critical response and recovery activities. We are proud that Transylvania County Commissioner Teresa McCall served on this very important task force.

- Staff received notification from the State Long-Term Care Ombudsman that volunteers serving on the Nursing and Adult Care Home Advisory Committee may resume in-person visitation in July 2022. The State suspended facility visitation in March 2020 due to the pandemic. Each volunteer must undergo training using a newly created re-entry document to ensure adherence to the core principles of infection prevention as outlined by the CDC, CMS, and NC DHHS
- The spring quarterly edition of the NCACC Magazine featured county clerks and the role they play in local government serving their boards of commissioners and the public. The NCACC interviewed Clerk to the Board Trisha Hogan for the article to talk about her perspective both as a clerk and the NC Association of County Clerks' most recent president.
- A groundbreaking ceremony will be held on Friday, July 15 at 10:00 a.m. at Gaia Herbs to kick off construction of the US 64 water and sewer line.
- Big Announcement Coming! The July 25 Board of Commissioners' meeting will begin at 5:30 p.m., instead of 6:00 p.m. to accommodate scheduling for a public hearing and a press conference. The Clerk to the Board will post and publish public notice.
- The 2nd Board of Commissioners' meeting in August will include a capital workshop at 4:00 p.m. The Board intended to hold a capital workshop in July, but other issues arose pushing the workshop to August to take place before the regular meeting at 6:00 p.m.
- Vaya Health intends to make its annual presentation to the Board of Commissioners at the 2nd meeting in October
- Nonprofit funding has been a hot topic across the State with respect to ARPA, the ability to fund certain things under federal law that did not necessarily line up with State law, and how local governments can engage nonprofits. The Board of Commissioners should expect another primer about nonprofit funding so they understand how counties can fund nonprofit partners. She will place information in their boxes on this topic.

PUBLIC COMMENT

There were no public comments.

COMMISSIONERS' COMMENTS

Commissioner Chapman reported that he attended a meeting of the Friends of Adult Day Care that was formed as a result of the closing of KOALA Adult Day due to the changes that occurred following being acquired by HCA. He reported that Tore Borhaug, the owner of Tore's Homes, is considering opening an adult day care service. It would be a different business model in that it would move from the nonprofit sector into the for-profit sector. He expects more information to come and welcomed input from the Commissioners. He stressed this is a tremendous need for the community.

Commissioner McCall noted that the 100 Counties Prepared Task Force developed the training course as an all-day session on Thursday, August 11 during the NCACC conference and it will be held offsite. The training is open to non-Commissioners. It is not designed to train County Commissioners on how to serve in the role of emergency personnel. Still, it will provide Commissioners with the necessary knowledge while emergency personnel are performing what is necessary to take care of our citizens during emergencies. It will also give participants a snapshot of the work emergency personnel does for their communities.

Commissioner McCall expressed concern that we have reached a crisis in this country in terms of providing childcare, especially newborn care. She has been approached several times over the past month

by frantic parents trying to find newborn childcare in the community. She felt it would be worthwhile to explore whether the County has the avenues or ability to look for potential expansion of those offerings by the County. She was sad to think about the conditions in which children may be left so their parents can work.

Commissioner McCall addressed comments made during the opening public comment period. She said more than one person, as well as the media, have made comments about the Board holding inappropriate closed sessions. She stated that the Board of Commissioners has not held inappropriate closed sessions and has adhered to the statutes governing attorney-client privilege. She stressed that the Board of Commissioners has much more to address with the County Attorney than one topic only. She was tired of the accusations and assured the public that the Board has not met inappropriately.

Commissioner Dalton serves on the Transylvania County Hospital Community Council. He shared that the group will be holding several listening sessions throughout the County in late summer and early fall and welcomed feedback and input from the public. The council is working with the local community centers to host the meetings.

Chairman Chappell was pleased that Governor Cooper signed the recently approved NC General Assembly budget. The budget has a significant impact on Transylvania County. The County's representatives have provided needed resources for important projects, and he was appreciative of their stewardship.

Chairman Chappell announced that Commissioners have been invited to attend a BBQ lunch hosted by the Land of Sky Regional Council to recognize the local governments in their region. It will be held on July 29 at noon at Mills River Park. The Land of Sky asked attendees to RSVP.

Chairman Chappell stated that this Board has always been committed to an open and transparent government and comments by others stating otherwise are untrue. General statutes allow certain reasons why local governing bodies may meet in closed session and this Board adheres to the statutes. Over the past several months, the Board has met in closed session for a multitude of reasons that fell under the statute for attorney-client privilege.

Chairman Chappell thanked the Board of Commissioners and the staff for the wonderful job they do for the citizens of Transylvania County.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner McCall moved to adjourn the meeting at 4:49 p.m., seconded by Commissioner Chapman and unanimously approved.**

Jason R. Chappell, Chairman
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board

07/11/2022