

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**APRIL 24, 2023 – REGULAR MEETING & CAPITAL WORKSHOP**

The Board of Commissioners of Transylvania County met in a regular meeting on Monday, April 24, 2023 at 5:00 p.m. in the Multipurpose Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC. The meeting was rescheduled from 6:00 p.m. to 5:00 p.m. to accommodate the addition of a capital workshop to the agenda.

Commissioners present were Larry Chapman, Chairman Jason Chappell, Vice-Chairman Jake Dalton, and Teresa McCall. Commissioner Emmett Casciato was absent due to unforeseen circumstances. He was out of town and his flight was delayed. Also present were County Manager Jaime Laughter and Clerk to the Board Trisha Hogan. County Attorney Patrick Scott participated via Zoom meeting software.

There were approximately 50 people in the audience.

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

**CALL TO ORDER**

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 5:02 p.m.

**WELCOME**

Chairman Chappell welcomed everyone to the meeting and 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.*

Fred Morse: Mr. Morse expressed his appreciation to the Board for their position on the Ecusta Trail. He said the property owners along the proposed trail are unhappy with how it may impact their private property. Mr. Morse referred to the Land Use section of the 2025 Transylvania County Comprehensive Plan that clearly states the Board's stance on protecting private property rights. His understanding was that the federal government has intervened, and he hoped their invention would delay any further development while property owners seek answers.

Sam Edney: Mr. Edney stated that the Board of Commissioners is exhibiting authoritarianism with respect to the school bond projects by ignoring the will of the people and through a lack of transparency and accountability. The pandemic and rising costs forced the Board of Education to set new priorities, but the Commissioners ignored them by hiring an unidentified firm to provide a second opinion that remains secret. Mr. Edney agreed with the opinion expressed by the County Attorney at a recent meeting that there is a relationship problem between the two Boards, but he credited the fault to the County Commissioners.

**SPECIAL RECOGNITION**

Chairman Chappell briefly deviated from the regular meeting agenda to recognize Clerk to the Board Trisha Hogan for receiving the Howard Holly Outstanding Clerk of the Year Award during the North Carolina

Association of County Clerks Annual Conference on Thursday, April 20, 2023 in New Hanover County. The Commissioners and the Manager each congratulated her and expressed their appreciation for the work she does for the citizens of Transylvania County.

### AGENDA MODIFICATIONS

Chairman Chappell requested to table the appointments to the Agricultural Advisory Board until the next meeting.

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

### CONSENT AGENDA

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

The Board approved the following items:

#### APPROVAL OF MINUTES

The Board of Commissioners met in a regular meeting on Monday, April 10, 2023. The Board approved the minutes as submitted.

#### ARPA REGION I WORKFORCE DEVELOPMENT REGIONAL STAFF OUT-OF-STATE TRAVEL REQUEST

The ARPA Regional Workforce Development Director requested approval to attend the 2023 National Association of County and City Health Officials conference in Denver, CO on July 10-13. The ARPA grant outcome requirements necessitate the need for national level workforce development best practice training. All travel and training opportunities have been approved in the grant program's action plan and budget. The Board of Commissioners requires approval of all out-of-state travel requests. The Board approved the request as submitted for the ARPA Region I Workforce Development Project Director to travel out-of-state to engage in professional development.

#### DOGWOOD HEALTH TRUST HEALTH SECTOR WORKFORCE GRANT APPLICATION

On behalf of the NC Region 1 Health Departments, Transylvania County Public Health requested to apply for the Dogwood Health Trust's upcoming Health Sector Workforce grant. The grant is seeking projects and programs whose mission is to train or retain positions in the healthcare sector as identified by local employers. Dogwood Health Trust has identified that the region's healthcare workforce was facing shortages pre-pandemic, and as many healthcare workers are leaving the profession, the shortage has only grown more severe. There is an elevated need to grow the pipeline of workers in this field by strengthening existing training programs and growing new programs. The Healthcare Sector Workforce Grant awards up to \$250,000 for one to three years. The preapplication is due June 2, with the invitation only full application due on July 14. The Board approved the Health Department's application to the Dogwood Health Trust's Health Sector Workforce grant to continue the work of the Region 1 ARPA Workforce Development Project.

#### PROCLAMATION - NATIONAL LIBRARY WEEK

Libraries are full of stories in a variety of formats from picture books to large print, audiobooks to eBooks, and more, but there is so much more to the story. Libraries of Things lend items like museum passes, games, musical instruments, and tools. Library programming brings communities together for entertainment, education, and connection through book clubs, story times, movie nights, crafting classes, and lectures. Library infrastructure advances communities, providing internet and technology access, literacy skills, and

support for businesses, job seekers, and entrepreneurs. National Library Week 2023 will be a great time for our Library to tell its multi-faceted story. The Board of Commissioners commended the library staff and volunteers for the services they provide to the community and many others. The Board approved Proclamation #18-2023 Proclaiming the Week of April 23-29, 2023 as National Library Week.

**PROCLAMATION #18-2023  
NATIONAL LIBRARY WEEK**

**WHEREAS**, Libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and

**WHEREAS**, Libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, or socio-economic status; and

**WHEREAS**, Libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

**WHEREAS**, Libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

**WHEREAS**, Libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

**WHEREAS**, Libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

**WHEREAS**, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

**WHEREAS**, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

**NOW, THEREFORE**, be it resolved that the Board of Commissioners of Transylvania County does hereby proclaim National Library Week on April 23-29, 2023, and encourages all residents to visit the Transylvania County Library to explore the wealth of resources available.

This the 24<sup>th</sup> day of April 2023.

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

**PROCLAMATION - NATIONAL DAY OF PRAYER**

In 1988, both Houses of Congress adopted legislation declaring the first Thursday in May of each year as National Day of Prayer. Commissioners wished to proclaim May 4, 2023 as “A Day of Prayer in Transylvania County.” This year’s theme, “Pray Fervently in Righteousness and Avail Much”, is based on the verses of James 5:16b. First Baptist Church is planning an event on May 4 to commemorate the National Day of Prayer. Further details are forthcoming. The Board approved Proclamation #17-2023 Proclaiming May 4 as a Day of Prayer in Transylvania County.

**PROCLAMATION #17-2023  
NATIONAL DAY OF PRAYER**

**WHEREAS**, Throughout history Americans have lifted up fervent prayers to God on behalf of our nation. From the first gatherings of our Founding Fathers, elected officials have prayed and entreated those they serve and represent to join them in prayer, including the authors of our Declaration of Independence, wrote that they, “the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world...” and carried on to present day in Presidential Proclamations such as last year’s invitation to “join him in asking for God’s continued guidance, mercy, and protection”; and

**WHEREAS**, A National Day of Prayer has not only been a part of our heritage since it was declared by the First Continental Congress in 1775, but it is a Public Law established in the United States Congress in 1952 approved by a Joint Resolution and amended by Congress and President Reagan with Public Law 100-307 in 1988, affirming that it is essential for us as a nation to pray and directing the President of the United States to set aside and proclaim the first Thursday of May annually as a National Day of Prayer; and

**WHEREAS**, In our state and across America the observance of the National Day of Prayer will be held on Thursday, May 4, 2023, with the theme, “Pray Fervently in Righteousness and Avail Much,” based on the verses in James 5:16b, “The effective, fervent prayer of a righteous man avails much”; and

**WHEREAS**, Every first Thursday of May on the National Day of Prayer we not only express our faith and exercise our freedom in prayer but unite our hearts and voices in personal prayer and public gatherings throughout our county and across our America with fervent praise, repentance, love, and humble intercession for our neighbor and nation, holding fast to the promises throughout the Holy Scriptures that the Lord hears and avails much as He answers the faith-filled prayers of His people.

**NOW, THEREFORE**, the Transylvania County Board of Commissioners does hereby proclaim May 4, 2023, as a **DAY OF PRAYER** throughout Transylvania County and commends this observance to all of our citizens.

This the 24<sup>th</sup> day of April 2023.

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

**PROCLAMATION – NATIONAL PUBLIC SERVICE RECOGNITION**

Celebrated the first full week in May, Public Service Recognition Week is a time set aside to honor the men and women who serve our nation as federal, state, county, and local government employees. The Commissioners will recognize and honor county employees by hosting an employee appreciation event on May 12 at the Library’s amphitheater, as well as other events planned throughout that week. Human Resources and Administration staff are planning the details of the employee appreciation event, which will include food and entertainment. More information is forthcoming. The Board approved Proclamation #21-2023 National Public Service Recognition Week.

**PROCLAMATION #21-2023  
NATIONAL PUBLIC SERVICE RECOGNITION WEEK**

**WHEREAS**, Public servants at the local, state and federal levels work selflessly to provide for the needs of citizens on a daily basis; and

**WHEREAS**, Government employees are committed to carrying out their duties, responsibilities and oaths not only in times of prosperity and calm but also in times of duress and uncertainty; and

**WHEREAS**, The global pandemic has revealed the critical nature of work performed by our *local* public servants who have ensured continuity of services by transforming operations that were once routine and predictable through agility, adaptation, creativity, and innovation; and

**WHEREAS**, Transylvania County's employees have collaborated across departmental lines to ensure the safety and wellbeing of our citizens by providing essential services such as emergency response, public health, social services, solid waste services, sanitation of facilities, childcare, and transportation services; and

**WHEREAS**, We have witnessed our public servants display their courage and humanity in these unprecedented times; placing service before self in their dedication to our community and in their support of each other; and

**WHEREAS**, Transylvania County's employees are doing important work that positively affects all of us every day, and they work to address the incredible challenges our citizens are facing; and

**WHEREAS**, Public servants deserve thanks for working diligently on our behalf. Government service is public service.

**THEREFORE, BE IT RESOLVED** by the Transylvania County Board of Commissioners to recognize the week of May 7-13, 2023 as National Public Service Recognition Week and to encourage citizens to recognize the accomplishments and contributions of government employees at all levels.

This the 24<sup>th</sup> day of April, 2023.

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

#### PROCLAMATION - NATIONAL POLICE WEEK

The week of May 15-21, 2023 is National Police Week with Peace Officers Memorial Day designated on May 15. The purpose is to recognize and honor the service and sacrifice of all the law enforcement officers in our community. This is an annual proclamation approved by the Board of Commissioners and is presented to both the Sheriff's Office and Brevard Police Department. The Board approved Proclamation #20-2023 Declaring May 15-21, 2023 as National Police Week.

#### **Proclamation #20-2023 National Police Week 2023**

*To recognize National Police Week 2023 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.*

**Whereas**, The week of May 15-21, 2023 has been designated as National Police Week, with Peace Officers Memorial Day on May 15 in honor of all fallen officers and their families; U.S. flags should be flown at half-staff on Peace Officers Memorial Day; and

**Whereas**, There are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Transylvania County Sheriff's Office and Brevard Police Department; and

**Whereas**, Those brave men and women selflessly confront danger to protect our families and defend our communities; and

**Whereas**, Since the first recorded police death in 1786, there have been more than 23,000 law enforcement officers killed in the line of duty; currently, there are 23,785 names engraved on the walls of the National Law Enforcement Officers Memorial; and

**Whereas**, We honor all those in blue who have been killed or disabled in the line of duty and we are mindful of the tremendous sacrifices they made protecting their communities; and

**Whereas**, Our nation's law enforcement officers serve with courage, dedication, and strength; they fearlessly enforce our laws, safeguarding our property, our liberty, and our lives;

**Therefore, Be It Resolved** that the Board of Commissioners of Transylvania County formally designates May 15-21, 2023, as Police Week in Transylvania County, and publicly salutes the service of law enforcement officers in our community and in communities across the nation. We owe them and their families our full and enduring support.

This the 24<sup>th</sup> day of April 2023.

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

#### PROCLAMATION - HISTORIC PRESERVATION MONTH

May has been deemed National Preservation Month or Historic Preservation Month since the 1970s. The historical nonprofit organizations in Transylvania County plan to celebrate Transylvania County's history in May with different events planned throughout the month. The Joint Historic Preservation Commission would like to help celebrate and promote May as Historic Preservation Month in Transylvania County by requesting the Board of Commissioners approve a proclamation. The Board approved Proclamation #16-2023 Proclaiming May 2023 as Historic Preservation Month in Transylvania County.

#### **PROCLAMATION #16-2023 PROCLAIMING MAY 2023 AS HISTORIC PRESERVATION MONTH**

**WHEREAS**, Historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing the livability of a community; and

**WHEREAS**, Historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

**WHEREAS**, It is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**WHEREAS**, Transylvania County and the City of Brevard have two National Register Districts and 21 individual local landmarks; and

**WHEREAS**, In May there will be a host of events that have been prepared by local historical organizations and co-sponsored by the Transylvania County Joint Historic Preservation Commission, who are appointed by the County Commissioners, to help preserve the historical identity of all Transylvania County;

**NOW, THEREFORE**, the Board of Commissioners of Transylvania County does hereby proclaim and recognize the month of May 2023 as **HISTORIC PRESERVATION MONTH**.

This is 24<sup>th</sup> day of April 2023.

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

PROCLAMATION - OLDER AMERICANS MONTH

Each year the Council on Aging and/or DSS Adult Services Division request that the Board of Commissioners approve a proclamation declaring May as Older Americans Month to recognize the many contributions of our senior citizens. Historically, Older Americans Month has been a time to acknowledge the contributions of past and current older persons to our country, in particular those who defended our country. Every President since Kennedy has issued a formal proclamation asking that the entire nation pay tribute in some way to older persons in their communities. Older Americans Month is celebrated across the country through ceremonies, events, fairs, and other such activities. The Board approved Proclamation #19-2023 Proclaiming May as Older Americans Month.

**Proclamation #19-2023  
Older Americans Month 2023**

**Whereas**, Transylvania County includes a growing number of older Americans who contribute their time, wisdom, and experience to our community; and

**Whereas**, Communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

**Whereas**, Transylvania County recognizes the need to create a community that offers the services and supports older adults may need to make choices about how they age; and

**Whereas**, Transylvania County can work to build an even better community for our older residents by:

- Not limiting our thinking about aging,
- Exploring and combating stereotypes,
- Emphasizing the many positive aspects of aging,
- Inspiring older adults to push past traditional boundaries, and
- Embracing our community's diversity.

**Now, therefore**, the Transylvania County Board of Commissioners does hereby proclaim May 2023 to be Older Americans Month and urges every resident to celebrate our older citizens, help to create an inclusive society, and accept the challenge of flexible thinking around aging.

This the 24<sup>th</sup> day of April 2023.

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

MARCH 2023 DISCOVERY, RELEASE & MONTHLY SETTLEMENT REPORT

Per N.C.G.S. § 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 N.C.G.S. § 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 2023, tax dollars released totaled \$2,473.03 and refunds amounted to \$1,076.46. The Board approved the March 2023 Discovery, Release, and Monthly Settlement Report as submitted.

#### TRANSYLVANIA COUNTY TRANSPORTATION SYSTEM - SYSTEM SAFETY PLAN

Effective October 2012, Moving Ahead for Progress in the 21st Century mandated requirements for all public transportation to develop and implement a safety plan. The System Safety Plan was developed utilizing established guidance listed in the procedural manuals of the North Carolina Department of Transportation Standard Operating Procedures and the State Management Plan. The System Safety Plan template addresses the required six core elements: Emergency Action Plan, Fire Prevention Plan, Preventative Maintenance Plan, Drug and Alcohol Policy, Safety and Security Plan, and Continuity of Operations. Compliance will ensure that the Federal Transportation Administration and North Carolina Department of Transportation Integrated Mobility Division policies and regulations are met. The Board approved the Transylvania County Public Transportation System Safety Plan as presented.

#### TRANSYLVANIA COUNTY TRANSPORTATION TITLE VI PLAN

Transylvania County Transportation is a recipient of Federal Transit Administration funds from the North Carolina Department of Transportation. Transylvania County Transportation is committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of the Title VI Plan, to the end that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any transportation services and activities on the basis of race, color, national origin, sex, age, creed, or disability, as protected by Title VI of the Civil Rights Act of 1964 as required by the Federal Transit Administration. This document details the nondiscrimination program, policies, and practices administered by Transylvania County Transportation, and will be updated every three years to incorporate changes and additional responsibilities as they are made. The Board reviewed and adopted the Transylvania County Transportation Title VI Plan as presented.

### **NEW BUSINESS**

#### REVIEW OF TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY FUNDING FOR THE CITY OF BREVARD STREETScape PROJECT

The Manager reported that on March 23, the Transylvania County Tourism Development Authority (TCTDA) Board approved \$175,000 in funding for the City of Brevard's streetscape project. The TCTDA determined it to be a tourism-related expenditure that fits the organization's "Destination Infrastructure" spending path with the defined objective of "making a substantial impact on the tourism infrastructure of Transylvania County." It is also a part of the TCTDA Board's goal to spend down its fund balance by supporting worthy tourism-related projects. Based on expected FY 23 revenue and expenditure levels, and including this expenditure, the TCTDA will remain within the statutorily required one-third maximum of funds spent on "tourism-related expenditures" instead of "promotion".

The County Attorney advised that the approval of these funds by the TCTDA Board, along with the language in the application covering the terms and conditions of the funding, constitutes a contract. Therefore, the TCTDA must seek approval from the Board of Commissioners specifically on the terms of the agreement.

Staff recommended the Board determine that the TCTDA Board-approved funding of \$175,000 for the City of Brevard Streetscape Project is tourism-related and therefore appropriate for the TCTDA to allocate the funds. The County Attorney has reviewed the request and found no concerns. County staff concurred that it is an eligible expenditure.



Brevard City Manager Wilson Hooper gave a brief update on the status of the City's streetscape project. He reported that the project will be substantially completed by the end of May and fully completed by the end of June in time for Main Street to be milled and repaved in August or September, along with the paving of other streets. The landscaping will be installed in the next two to three weeks. The physical infrastructure work should be completed in early May. Overall, the project is well ahead of schedule.

The Manager shared for the benefit of the public that the TCTDA is a public body and therefore its meetings are open to the public. She also noted the funding for this request is coming from the occupancy tax, not the County's general fund.

**Commissioner Dalton moved to approve the TCTDA Board-approved funding of \$175,000 for the City of Brevard Streetscape Project as a tourism-related project and for the TCTDA to allocate the funds, seconded by Commissioner Chapman and unanimously approved.**

#### LAKE TOXAWAY FIRE DEPARTMENT RESERVE FUND REQUEST

Fire Marshal Scott Justus presented this item to the Board. He reported that Lake Toxaway Fire Rescue has requested \$95,366 from their district reserve fund to purchase a new engine and tanker. The reserve fund has a current balance of \$234,801.

The new engine and tanker will be additions to the department's fleet in anticipation of a possible new substation located on the property of Lake Toxaway Estates. The department is working with the Lake Toxaway Company on accepting a donation of land and a three-bay building by the Property Owners Association

The department is requesting a drawdown of funds instead of adding debt service and a potential increase to the fire district tax rate. The department has already ordered the engine and tanker because the build-out time is several years out. This equipment should meet the needs of the substation. The NC Department of Insurance requires at least an engine and a tanker in areas that do not have pressurized hydrant systems.

A substation would potentially eliminate the majority of the Class 9E and Class 10 districts at the top of Toxaway Mountain, which includes some very expensive homes, some of which are uninsurable. The addition of the substation and equipment will positively impact the insurance rating in the area.

**Commissioner McCall moved to approve the request by Lake Toxaway Fire Rescue to draw down \$95,366 in reserve funds for a new engine and tanker, seconded by Commissioner Dalton and unanimously approved.**

Mr. Justus noted that the NC Department of Insurance will be conducting a rating inspection soon and he expected positive outcomes.

#### LITTLE RIVER FIRE DEPARTMENT RESERVE FUND REQUEST

Fire Marshal Scott Justus presented this item to the Board. He reported that Little River Fire Department has requested \$20,000 from their district reserve fund to purchase fire suppression equipment to outfit a new engine the department recently purchased that replaced a 1990s engine and outdated equipment. The drawdown will allow the department to purchase this equipment without an increase in next year's budget or a potential tax increase on the citizens in their district.

**Commissioner McCall moved to approve the request by Little River Fire Department to draw down \$20,000 from their fire district reserve fund for fire suppression equipment, seconded by Commissioner Dalton and unanimously approved.**

LETTER IN OPPOSITION TO A PORTION OF NC SENATE BILL 692 THAT CHANGES THE APPOINTMENT PROCESS TO THE COMMUNITY COLLEGE BOARD OF TRUSTEES

The Manager presented this item for the Board's approval. She reported that Senate Bill 692 was recently filed, and it affects the operations and appointments of the Community College System. The bill is in its early stages, but it has the support of the Speaker and Senate Majority Leader so there is a strong opportunity for it to be passed successfully.

Blue Ridge Community College (BRCC) has a satellite campus in Transylvania County. The Transylvania County Board of Commissioners appoints two members of the College's Board of Trustees because of the County having a capital investment into that system. The new bill proposes changes to the appointment of the local community college system's board of trustees. If the bill becomes law, the NC House and Senate and the county commissioners of the county in which the community college is headquartered (Henderson County) would make the appointments to the BRCC Board of Trustees. Transylvania County would no longer make appointments to this board.

Transylvania County is responsible for the capital and some operational spending for the local satellite campus. It is not in the best interests of our citizens for the County to have no say in the strategic planning and direction while being statutorily required to provide funding. In addition, without having a say, rural counties like ours could lose funding from the State which will severely impact our students and residents and the economic vitality of our county. Transylvania County is currently working on determining the future of the satellite campus.

Chairman Chappell stated that he has already voiced his concerns to Senator Corbin who shared his concerns. If approved, staff will forward the letter to Senator Corbin and Representative Clampitt.

**Commissioner McCall moved to approve a letter in opposition to a portion of S692 that changes how appointments are made to the community college system's board of trustees, seconded by Commissioner Chapman and unanimously approved.**

(Update since the approval of the letter – the language in the bill regarding the appointment process to the local board of trustees has been removed.)

TRANSYLVANIA COUNTY SCHOOLS - CAPITAL BUDGET PROJECT AMENDMENTS

Finance Director Jonathan Griffin presented this item to the Board for consideration. He reported that he received an e-mail from the School System's finance officer on April 13 requesting a change in budget appropriations. Because the County appropriates funds to the School System by project as allowed by statute, they must seek permission from the County to change those projects.

The specific request involves moving funds away from a paving project at Brevard Middle School and moving the funds to cover carpeting at Brevard Elementary School and fencing at Brevard High School. The paving project came in under budget, so this request transfers the excess funds to complete other projects. The budgetary impact reduces one line item and increases another. If approved, staff will prepare a budget amendment to implement the changes.

The result of the Board's approval authorizes an additional \$32,000 in spending this year from the current budget. Mr. Griffin recommended the Board review the request and either approve or deny the amendment to the School System's budget line items. Their request gave him no cause for concern.

**Commissioner Chapman moved to approve the amendment to the budget line items as requested, seconded by Commissioner Dalton, and unanimously approved.**

MANAGER'S REPORT

The Manager reported the following:

- The Blue Ridge Community College Strategic Capital Planning Committee recently appointed by the Board held its first meeting on April 17 where they reviewed college enrollment stats and heard about the College's challenges. The committee will review the master plan at their next meeting. They will meet on the 3<sup>rd</sup> Monday at 11:00 a.m. in the Commissioners' Chambers.
- The recording for the Board of Commissioners' April 10 meeting had an error. The sound did not transmit to the recording. This is the first time the staff has had an issue in eight years with the equipment and not being able to post the recording to the website or on social media. The error occurred from a power outage.
- The Manager will present the recommended budget on May 8. The Manager is statutorily required to submit a recommended budget by June 1. She intends to deliver a budget the Board will be compelled to approve. Because she will present the recommended budget earlier than in previous years, she noted that the budget notebook may not be ready for submission before the meeting.

## **CAPITAL WORKSHOP**

The Board of Commissioners last held a capital workshop in the fall of 2022. During that time, they reviewed projects to determine the types of funding strategies to employ. The Board narrowed its focus to the following projects: Blue Ridge Community College, Transylvania County Schools, Courthouse, and Solid Waste expansion. The Board and staff worked with First Tryon Advisors to develop a financial model which began to show issues with funding these projects within the next 10-15 years. The model considered a stabilized tax rate with no tax increase to cover the capital projects.

At the previous capital workshop, County staff had identified \$246 million in capital projects over the next eight years. Staff will update the capital project list as part of the upcoming budget.

For part one of this workshop, the Manager conducted a high-level review of the capital products and highlighted the financing options available to local government in North Carolina. Then she gave an overview of the projects on the needs list or are underway and shared new information since the last capital workshop. For part two of the workshop, the Manager focused specifically on the Solid Waste expansion project and the Courthouse.

### **Capital Funding Options in North Carolina**

Funding options for local government in North Carolina are limited. Generally, the statutes do not allow local governments to take on a lot of risk which is reflected in the many statutes regulating how counties may invest and borrow money.

Small to medium projects are typically eligible for commercial bank loans for a maximum term of 20 years. Major projects are typically financed through general obligation bonds or limited obligation bonds. There is also the mechanism of using a USDA loan for some projects. The general obligation bonds require voter approval. However, the vote is not to approve specific projects, but the funding mechanism for that project. The Board of Commissioners is not obligated by voter approval to sell bonds as a funding tool and may utilize alternative funding methods. Limited obligation bonds are similar to general obligation bonds, but they do not require voter approval. However, the local government must invest in architectural design upfront and have bids in hand to use this method. They are similar to general obligation bonds in that they are sold on the open market and have similar repayment terms. The USDA loans follow the prime rate, so the rate could be lower or higher and will be unknown until the Board is ready to use that mechanism. USDA loans have terms of up to 40 years to help spread the debt over a longer period. Revenue bonds can be used only for enterprise funds.

Pay-as-you-go is another funding option that involves cash financing. The County has employed this strategy to save funds into the assigned fund balance or on smaller projects. It is difficult to use this method on larger projects. There can also be tradeoffs depending on what is happening in the market with the value of the dollar and how expensive construction costs are at the time. Since 2016, the County has employed this funding strategy for Parks and Recreation (Gallimore Road property purchase, Ninja Fitness Course, Pickleball Courts, Recreation Center air conditioning, and improvements), Economic Development (Sylvan Valley Industrial

Building, Gaia Herbs sewer line), and Public Safety (Communications upgrades, EMS property purchase) projects using \$1.2 million in annual revenue divided among each.

Local governments may also pursue grants and other funds. These methods do not typically fund projects in their entirety. The County has funded some projects mostly in full by piecing together grant funds. Those sources are GoldenLeaf, Parks and Recreation Trust Fund, Appalachian Regional Commission, and other NC Department of Commerce grants. Many of these grants are often narrow in scope and require local matching funds. The County received unexpected funding from the American Rescue Plan Act Revenue Loss Funds.

### **Capital Funding Options Current**

The County is currently using these financing methods except for the bond payment, although the County has secured eligibility to do so.

The County is currently in the process of completing the financing of the new EMS Base. Once the project is complete, it will free up some needed cash, according to the latest financial modeling. The County is also making payments on the renovations to the Elections Building and the Public Safety Facility.

For the pay-as-you-go method, the Commissioners are assigning \$1.2 million each year to Parks and Recreation, Emergency Services, and Economic Development, another \$1.2 million in assigned fund balance toward the Courthouse project, and \$6.2 million for the school capital reserve. The \$6.2 million was set based on the expected payment from the bond sale. There are more funds in the school capital reserve than expected since the school bond projects have yet to commence.

### **Major Capital (estimated at \$246 million over eight-year plan)**

- Courthouse – current facility built in 1861
  - Cost figures updated in 2022
  - Options range from \$25 million to \$44 million
- EMS 2008 Placement Study
  - This included relocating the EMS Base which is currently underway
  - The study recommended a combination substation for Sylvan Valley and EMS
    - Sylvan Valley setting aside funds in a reserve
- Infrastructure (Water, Sewer)
  - 2014 Potable Water Supply Study identified three alternates for water expansion
    - \$40 million to \$50 million for future combined water needs
  - Sewer treatment needs have not been modeled or studied; the City of Brevard estimated \$65 million in upgrades to their infrastructure
  - Burlingame/Rosman system for Northern Transylvania County - to leverage this system for a larger footprint would necessitate an investment of \$25 million
  - The City of Brevard and the Town of Rosman working on asset inventory studies funded by state grant monies, so there is an expectation that these figures will be refined
  - Letter to State representatives identified \$163 million in capital infrastructure needs on behalf of the City and the Town, along with \$213 million in other capital needs for the County

### **Major Capital**

- Economic Development
  - Sylvan Valley Industrial Building planned expansion underway
  - No projects lined up following this expansion but there continue to be needs because having product is a challenge; staff working with the Transylvania Economic Alliance to address this issue
- Education
  - Assuming a \$68 million bond along with improvements on other campuses not previously discussed as part of the bond
  - Staff reviewing proposals for the Maintenance Reserve Study with expected completion this year; study committee will make recommendations to help the Commissioners try to better model for the future

- Blue Ridge Community College's replacement campus is estimated at \$35 million; the Strategic Capital Planning Committee held its first meeting on April 17
- Solid Waste
  - Cell closures necessary over the next eight years are estimated at \$7 million; the possibility of cost escalation
  - Current revenue and fee structure falls short of annual expenses so no funds for future cell expansion from that source
  - Construction for expansion is estimated at \$5.8 million; will require an influx of cash from the general fund

### General Projects

- Public Safety Systems- became operational in 2009
  - Includes a lot of technological systems that are becoming outdated but are required to be operational and will need regular upgrades to maintain security
- Maintaining existing facilities: HVAC replacements, fire alarm systems, maintenance schedule, roof replacement for Administration Building
- Parking lot repaving/maintenance
- Solid Waste heavy equipment and collection center improvements
- Parks and Recreation
  - Master Plan List of Improvements (2016)
  - Silvermont Master Plan Improvements (2018)
  - Master Plans could identify more projects (Gallimore Road Park, Recreation Center, Rosman Community Park, South Broad Park)
  - Transylvania County Bike Plan (2019)
- Library
  - Branch Library
  - Book Mobile Replacement
  - Cantilever shade for Amphitheater stage proposal from the Library Foundation

### New Considerations

- Retention and recruitment to just maintain existing services is going to put pressure on the budget for the next several years
- County tax rate includes funds for fire and rescue agencies beyond their district collections for annual operating expenses
  - If the Board funded fire and rescue agencies from the district tax alone, some districts would see a tax rate well over 10 cents and upwards of 20 cents due to the property valuation in each district
  - A large number of capital needs in the future
    - \$500,000 request from the Rescue Squad to begin looking for a new location or renovating their existing building; estimates ranging between \$4 million and \$5 million
    - Conestee Falls requesting station estimated to cost \$11 million and would require a \$400,000 payment for 40 years as a USDA loan
    - The Board will need to consider how to address additional future capital needs
- Technology changes- Kenwood is getting out of the radio business; unsure how long the radios will be supported; full replacement in County government alone would be over \$1 million; seeing changes in cyber security because local government cannot predict when an attack might occur
- Installment financing for EMS Base to free up cash for the Solid Waste expansion but will require a \$450,000 payment
- Previous capital modeling included stabilizing the tax rate by factoring in projects as the bond payments started to roll off thus freeing up funds in the budget for other debt service; bond delay means there is more cash in the educational capital reserve; \$21 million, or three annual bond payments, in the fund

- The current financial model would stabilize the tax rate for citizens; however, as the bond payments decreased, staff would be looking at factoring in the use of those funds to support other capital needs that are also the responsibility of the County
- Construction costs are up and so are interest rates which impact capital planning assumptions

### **New Considerations – Recommendations**

- Continue to advocate for capital support from the State; State has a budget surplus and considering ways to invest in local government
- Decrease the Parks and Recreation assigned fund balance cash transfers
  - \$1.2 million reserve fund
  - Decrease to \$200,000 and add more funding to emergency services
- Increase the funds going into emergency services for the assigned fund balance
  - Impact to the County alone for radio replacement is \$1 million; does not take into account fire departments and other emergency services agencies
  - Tower replacements and coverage \$1.5 million (three sites)
  - Staff exploring grant funds to help with some of these issues
- Once the capital working group information is complete for K-12 education and the Blue Ridge Community College Strategic Capital Planning Committee recommendations are in, staff will need to revise the financing plan and schedule those into the capital modeling
- Begin planning for the fire and rescue departments' major capital needs and factor into annual fire and rescue fund approvals
  - Currently approving funding based on their requests, but the County is not fully funding their requests because would require a large influx of funds from the general fund to supplement the district tax rate
- The recommendation is for the Board to focus on Transylvania County Schools, Blue Ridge Community College, the Courthouse, and the Landfill expansion
  - Last year's financial modeling predicted a future year shortfall using all capital planning funds available
  - None for Parks and Recreation, Economic Development, Emergency Services, or infrastructure

### **Landfill Expansion**

- The Board directed staff to move forward with permitting expansion
  - Updated cost estimate of \$5.8 million; cash funding
  - Imperative to continue with permitting and construction for the County to continue providing this service to citizens beyond 2025
- The current operational model does not fund future capital expansions
- A new cell will be imperative in 2025 to continue solid waste services requiring \$5.8 million in cash
  - Recommend pulling from some assigned fund balance areas along with ARPA revenue replacement funds
  - A future capital plan is needed in place in the next two years to prevent cash flow shortage at next the expansion
- Another expansion will be required to be ready by 2030

Commissioner McCall asked for a future discussion on the solid waste disposal opportunities available to the County, including options, costs, and impacts, so that the Board can make an informed decision. The Manager agreed and stated she was concerned about the County's ability to provide solid waste services because the regulations continue to get tighter. Staff recently learned about additional regulations that are forthcoming and that could significantly impact operational costs. The business of solid waste has changed a lot in 20 years. There was a time when recycling revenue offset the losses experienced on the operational side, but smaller landfills are not profitable. The County owns land for expansion but the environmental impact of having streams and wetlands on the property increases the cost of constructing additional phases. This is another regulatory agency that impacts costs.

The Manager further pointed out that the Solid Waste department operates under two business models which is very costly for a small operation. Two years ago, the Board discussed ways to increase revenue, but it was not well-received by the public. Simply by increasing the sticker fee from \$1.50 to \$3.00, the department has experienced no less than three fraud cases of people printing their own stickers, which is a felony. She is concerned that if the County were to pass the true cost of operating a solid waste system onto the citizens, the County would experience additional unintended consequences, like fraud and illegal dumping.

Commissioner Dalton pointed out the Board studied the idea of a transfer station, and it was much more costly than current operations. The County would be at the mercy of the transfer agent like Henderson County is currently experiencing. The Manager shared that Henderson County had a good experience using a transfer station and contracting the service until this year. This year, however, they have had some significant challenges with fuel costs. She recommended the Board continue to explore options with the understanding that it is a service that the public must pay for.

Chairman Chappell pointed out that no matter which direction the Board takes, the County will always be responsible for maintaining the landfill even if it were shut down. The ongoing maintenance costs are unpredictable as well.

### **Courthouse**

- Timeline and study documents available online at [www.transylvaniacounty.org/Transylvania-county-courthouse-project](http://www.transylvaniacounty.org/Transylvania-county-courthouse-project)
- Board determined Morris Road as the location for a new facility
- The next step is to send out Requests for Qualification for design services
- The Manager requested guidance on the following key issues:
  - Footprint?
  - Design a phased project?
  - Alternative construction methods?
  - Construction Manager at Risk Method or Design Build?

### **Courthouse Footprint**

- Existing space totals approximately 22,000 sq. ft. with two courtrooms (does not include conference room in the Election Center that is currently being used as additional courtroom space)
- 2008 study projected that caseloads would result in the need for 81,000 sq. ft. including four courtrooms
- 2015 revised study found the 2008 projections to be inflated resulting in a reduction to a 60,000 sq. ft. facility to meet a 15-year need and included four courtrooms
- 2022 research on similar docket sizes in other counties reflected about 45,000 sq. ft. as peer comparison for building size but in staff's research contacting other counties, many responded they do not have enough space in their courthouse
- The figure below is from the 2008 projection and included future expansion pad
- The second figure is the 2015 revision which included an option for a third-floor shell
- The final layout may or may not resemble these conceptual layouts



**MOSELEY**

**MOSELEY**ARCHITECTS

**2015 Transylvania Replacement Courthouse Study**





### **Courthouse – Footprint Costs with 3.75% USDA 40-Year Loan**

- 90,000 sq. ft. cost estimate is \$44 million and includes the third-floor shell
  - \$2.1 million payment
- 60,000 sq. ft. cost estimate is \$37 million without the third-floor shell
  - \$1.79 million payment
- 45,000 sq. ft. cost estimate range is \$25.4 million to \$28 million, assuming some material and construction method changes
  - \$1.2 million - \$1.35 million payment respectively

The County is currently collecting \$1.2 million annually. There is only one cost estimate listed above that does not require additional tax revenue to make the payment, which is the footprint of a 45,000 sq. ft. facility, along with exploring alternative construction methods.

### **Courthouse Staff Decision**

- Timeline- one year for design and approximately two years for construction
- The cost figures will be refined depending on the path the Board takes
- The next step would be to issue an RFQ
  - Footprint?
  - Design a phased project?
  - Alternative construction methods?
  - CMR method or design-build?

The Manager sought direction on the footprint and offered the following options:

- 45,000 sq. ft. with a commitment to expand up to 90,000 sq. ft.
- 60,000 sq. ft. with no expansion
- 60,000 sq. ft. with a commitment to expand up to 90,000 sq. ft.
- Warm shell with any of the above options

The Manager also informed the Board they can consider designing the facility as a phased project which would be reflective of the 2008 footprint that included a future expansion pad. This will give the Board plans in hand when they are ready to move forward with an expansion.

The Manager asked the Board whether they wanted to pursue alternative construction methods. The County used pre-poured concrete walls for the Sylvan Valley Industrial Building, which went very well. It helped to save time and achieved cost-savings. If interested, the Board may direct staff to articulate this in the RFQ.

The Manager also sought direction on the potential of using a different construction method. In the past, the County has hired an architect and gone out for bids. In this case, the Board may consider the construction manager-at-risk method where the architect and contractor are hired at the same time and tasked with helping the County identify ways to create savings while achieving the space needs. The architect and contractor would work in tandem with the County as the client. The Board also has the option to design-build. The same entity the County would hire for the design would also build the facility. This method tends to save time and is less likely to see cost escalations, but as the owner, the County must be attentive to the cost-saving measures throughout the project.

This concluded the Manager's formal presentation. Chairman Chappell called for discussion and direction from the Board.

### *Courthouse Discussion*

Commissioner Dalton said he would only consider the prefabricated concrete option if there is a concrete base, not a gravel base. Over time, the gravel base causes shifting, cracking, and other foundational issues. He was open to exploring other alternatives, even steel-metal construction. He felt the Board owed it to the public to explore all construction options.

Commissioner Chapman asked if the plans included relocating the Register of Deeds into the new Courthouse. The Manager responded that the space needs study did not factor in moving the Register of Deeds. It would be a small impact on the footprint to add them. She would need the approval of the Board to add this department.

Chairman Chappell preferred the option to design the facility with plans for future expansion. At one time, savings could be achieved by including the expansion upfront, but the current construction market does not lend itself to such.

Commissioner McCall agreed with Chairman Chappell. She supported a phased approach to the project unless it is determined to be cost-efficient otherwise. She pointed out that the square footage of the existing Courthouse is 22,000 sq. ft. and not all of it is usable. A 45,000 sq. ft. facility would double the size of the current facility and include more usable space. She was onboard exploring the different construction methods as long as they do not compromise the safety or security of the staff and public.

Chairman Chappell asked if the RFQ could be drafted to include alternative methods of construction. The Manager recommended building into the RFQ that the respondent should have “experience with” alternative methods. Having someone respond with knowledge of the different methods will help guide the Commissioners in their decision-making.

Commissioner Dalton noted that the soil in the area around Morris Road is not suitable. The Manager recommended including in the RFQ the desire for the design and construction professionals to have experience with bad soil because it is highly likely the site will have the same challenges.

Commissioner Chapman preferred the focus to be on the building’s functionality and meeting the space needs, not the aesthetics.

Commissioner McCall requested to keep the footprint to either 45,000 sq. ft. or 60,000 sq. ft. She noted the Board is already asking a lot from taxpayers and she was concerned about the impact on them. The Board has also yet to discuss a possible sales tax referendum which could have a huge financial impact.

Chairman Chappell advised he supported a 45,000 sq. ft. facility since the project will be a phased approach.

The Manager recapped that there is agreement among the Commissioners to pursue a phased design beginning with 45,000 sq. ft., to seek a firm with experience in alternative construction methods, and to use the design-build method of construction. She felt she had enough information to go out for requests for qualification. The next step would be to engage the Commissioners in selecting an architect and a construction manager at risk.

#### *Landfill Expansion Discussion*

The Manager advised the next steps will be to determine a plan on how to structure solid waste services and capital needs by the end of 2025. The Board will also need to begin saving cash for future cell expansion and closure and post-closure care.

Commissioner Dalton inquired about the annual operational costs for the convenience centers. The Manager stated the last review indicated the cost was \$1.8 million. This is one of the analyses that should be conducted to weigh the impact of operating with them versus without them.

The Manager advised that future discussions should occur outside of the budget discussion because it is a very complicated and challenging issue.

Commissioner McCall asked the Manager to highlight the areas within the budget that the County has no obligation or mandate to fund and which areas, if any, could be cut financially. The Manager stated that staff conducted an analysis several years ago that concluded 84% to 86% of the County’s budget is tied to a mandate or a service that would be required to meet the mandates. The county government is very different from the municipal government in North Carolina because counties are extensions of the State. Many of the services provided by counties are dictated by the State but most do not come with State funding. The counties are

charged with generating the revenue; however, counties are restricted in how they may generate revenue, with property tax being the main source. In terms of making cuts, the Board could consider completely ceasing some services, like Parks and Recreation and the Library. She did not recommend this because they are important to the community, but she emphasized they are not mandated services. The Board could also consider fire and rescue funding coming from the general fund and the structure of solid waste operations.

Commissioner McCall said there would be an outcry if the Board decided to cease funding the Library or Parks and Recreation, which was the crux of her question.

Commissioner McCall asked further about the Maintenance Reserve Study for the School System and asked when the Commissioners should anticipate the actual work starting once the firm is identified. The Manager stated that one of the first steps will be a site visit. She received communication from the Board of Education that they wanted to ensure a site visit did not interfere with instructional time. She expected there would be no contractors onsite until school lets out for the summer. The project should be completed within six months once work commences.

### PUBLIC COMMENT

Craig Wilson: Mr. Wilson works with the firm Kunard Wilson, and he was hoping to assist the County on the Courthouse project. He was unclear on the RFQ process and whether the Board intended to seek a new architect or continue with Moseley Architects, which has gotten the project to this point. He pointed out the Board will need to decide on the Courthouse footprint before selecting a firm to draft a new design and determine costs. He also pointed out that a new architectural firm is unlikely to build off the work done by Moseley Architects and thus will have to start from the beginning, which will take additional time and increase the cost. Mr. Wilson also advised against the Board from including a third-floor expansion because it will add expense to the foundation of the building and instead advised the Board to consider carving out space on the site to build a one-story expansion in the future.

### COMMISSIONERS' COMMENTS

Commissioner Chapman announced that on May 18 Transylvania County will host the District 16 and 17 NCACC meeting. He asked the Commissioners to mark their calendars and plan to attend. He also announced that on May 15, the Board for the Veterans History Museum will host a presentation on the untold stories of the CIA's mission to avenge 9/11 at the Rogow Room at 7:00 p.m. He encouraged the public to attend.

Commissioner McCall stated that the Board has continued to address the public's comments about the Commissioners' lack of transparency. She announced that the Board's meetings are recorded and archived on the County's website, unlike other elected boards in Transylvania County. The recordings are unedited, and the public can hear from the Commissioners directly.

Chairman Chappell shared that he received a note from the Haywood County Board of Commissioners thanking this Board for the resolution of support and for presenting it to them in a public setting. He also expressed sadness over the death of a member of our community and he urged citizens to take care of those who are suffering and let them know they are loved.

**Chairman Chappell moved to enter into a closed session per N.C.G.S. § 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, following a 10-minute recess, seconded by Commissioner Dalton and unanimously approved.**

### CLOSED SESSION

Per N.C.G.S. 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, a closed session was entered into a 7:00 p.m. Present were Chairman Chappell, Commissioners Chapman, Dalton and McCall, County Manager Jaime Laughter, County

Attorney Patrick Scott (participating via Zoom meeting software), Transylvania Economic Alliance Executive Director Burton Hodges, and Clerk to the Board Trisha Hogan.

The Commissioners received information on a potential economic development project and directed the staff on how to proceed.

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

#### **OPEN SESSION**

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

#### **ADJOURNMENT**

There being no further business to come before the Board, **Chairman Chappell moved to adjourn the meeting at 7:24 p.m., seconded by Commissioner Dalton and unanimously carried.**

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Jason R. Chappell, Chairman  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board