

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
August 24, 2020 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, August 24, 2020 at 6:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

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

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

There were 30 people in the audience, including staff. To maintain social distancing and mass gathering requirements, the conference rooms in the Administration Building were used as overflow space.

CALL TO ORDER

Chairman Mike Hawkins presiding declared a quorum was present and called the meeting to order at 6:07 p.m.

WELCOME

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

PUBLIC COMMENT

The comments made by the public represent the individual speaker's opinion or point of view. No attempt was made to vet their statements for accuracy or modify them based on facts.

Chairman Hawkins read the following comments that were submitted prior to the meeting tonight. (The comments have been summarized by the Clerk to the Board.)

Brenda and Mark Herrington: The Herrington's are members of the Blue Ridge Bicycle Club. Since they now reside in Brevard, the Blue Ridge Bicycle Club asked them to be their Transylvania County advocates. They recently met with the staff of the Planning and Community Development to learn more about the processes of current projects, such as bike/ped paths, road widenings, multi-use trails, etc. They have attended Brevard City Council meetings and learned about similar processes. They hope to be able to introduce themselves to the Board at a future meeting.

Lee McMinn: Mr. McMinn submitted comments regarding the briefing the Commissioners will receive tonight on the courthouse alternatives. The presentation from the architect is intended to be an apples-to-apples comparison, but having reviewed the study prior to tonight's meeting, he did not feel the alternatives were fair comparisons. He mentioned that absent from the comparisons and cost is the question of refitting the current courthouse for meaningful purposes. To his knowledge, repurposing the current facility has not been discussed by the Board, nor has a committee been formed to study potential recommendations. Mr. McMinn stated that preparing future uses of the courthouse would add significantly to the cost. Expanding the courthouse on site still does not resolve the problems with security and the fact that the facility is outdated for court functions. Regardless of whether the courthouse continues as is or transitions to an alternate use, there will be a significant cost involved. He asked for these costs to be known before deciding on which alternative to adopt.

AGENDA MODIFICATIONS

There were no agenda modifications.

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

CONSENT AGENDA

Commissioner Lemel moved to approve the Consent Agenda as presented, seconded by Commissioner Chappell, and unanimously approved.

The following items were approved:

MINUTES

The Board of Commissioners met in regular session on October 14, 2019 and following met in closed session in which the minutes were sealed. The Board met in regular session on October 28, 2019. The Board met in regular session on April 27, 2020 and following met in closed session in which the minutes were sealed. The Board met in regular session on May 11, 2020. The minutes were approved as submitted.

DISCOVERY, RELEASE AND MONTHLY SETTLEMENT REPORT

Per NC General Statute § 105-312 (b), it is the duty of the Tax Administrator to 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), it is the duty of the Tax Administrator to 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 July 2020, tax dollars released totaled \$277.01 and refunds amounted to \$869.47. Commissioners approved the Discovery, Release and Monthly Settlement Report for July 2020 as submitted.

VAYA HEALTH FISCAL MONITORING REPORT

Per NC General Statute § 122C-117 (c), the Fiscal Monitoring Reports for the local management entities must be presented to the Board of Commissioners. Vaya Health submitted its 4th quarter report which must be read into the minutes.

- Current actual revenues: \$427,062,728 (97.55% of budget)
- Current actual expenditures: \$415,354,225 (94.88% of budget)
- Current net income \$11,708,503 for FY 20
- Fund balances:
 - \$49,540,249 restricted for risk reserve
 - \$14,332,268 restricted for statute, prepaids and investments in fixed assets
 - \$22,040,010 unrestricted
- Operating cash \$52,820,964 net of risk reserves

The report was accepted as presented.

PRESENTATIONS/RECOGNITIONS

RECOGNITION OF CONNECT TRANSYLVANIA MEMBERS

Interim Budget and Management Analyst Kate Hayes presented this item to the Board. In the spring of 2019, County employees who participate in the Elevate group realized there was no clear way for

employees to interact with others outside of their department or make interdepartmental connections to learn about all County services. The goal of Elevate is to improve County services; thus, the group developed the outline for what would become Connect Transylvania. Connect Transylvania is a 12-month pilot program aimed at helping employees learn about other departments, engage in leadership development opportunities, and create a connected community among County employees.

Program members participated in discussions and hands-on activities with over 25 County departments, a historic walking tour of the downtown campus, and a leadership assessment tool during the program's orientation. Participants now have a comprehensive understanding of County services, as well as connections in many other County departments to provide coordinated customer service delivery. Scheduling the program during working hours eliminated barriers for most of the participants. The first year of the program welcomed 15 employees from 12 different departments. Staff is excited to continue the program for a second year.

Rick Mickewicz: Mr. Mickewicz participated in the program representing the Building Permitting Department. He thanked those who developed the Connect Transylvania program. He was very appreciative of the opportunity to participate. He found the program helpful for new employees and it afforded them an opportunity to learn where to direct citizens and customers for assistance. Due to his position as a building inspector, he felt the knowledge learned through this program will be helpful to him while interacting with the public in the field. Mr. Mickewicz also learned the County has lots of passionate employees who are informed and truly care about their jobs. He asked the Board to continue the program as he felt it would create improvements across all departments. Continuation of the program would also allow growth opportunities for talented employees. He again thanked the Board for the opportunity and for being able to address them tonight.

Tom Wehrle: Mr. Wehrle participated in the program representing the Information Technology Department. He commented that he has assisted employees in every department for many years but did not have a grasp of everything they do. He was appreciative of the opportunity to participate.

Commissioners recognized the following Connect Transylvania employees and presented each with a certificate of appreciation and coffee mug with the Transylvania County logo.

Name	Title	Department	Years of County Employment
Ashlie Justus	Adult Services Social Worker	Social Services	7
Christopher (Chuck) Owenby	Lieutenant of Professional Standards and Training	Sheriff's Office	17.5
D'Ree McCall	Deputy Register of Deeds	Register of Deeds	20
Dwayne (Smitty) Smith	Solid Waste Coordinator	Solid Waste	6
Erika Brock	Youth Services Librarian	Library	7
Geoff Bishop	Detective	Sheriff's Office	4.5
Greta Gosnell	Administrative Office Assistant	Transportation	2
Jennifer Jeter	Social Worker III-Child Welfare	Social Services	5
Jo Ann McCall	Education Coordinator	Soil and Water Conservation	11
Laura Petit	Business Officer	Public Health	12
Melinda Helton	Income Maintenance Caseworker II	Social Services	6

Rick Mickewicz	Code Enforcement Officer	Building Permitting and Enforcement	2
Scott Justus	Deputy Fire Marshal and Assistant Emergency Management Coordinator	Fire Marshal's Office	3.5
Shasta Moretz	Assistant Tax Administrator	Tax Administration	19
Tom Wehrle	Network Administrator	Information Technology	13

Commissioner Lemel was impressed that the participants in the Connect Transylvania group had 135 ½ years of service to Transylvania County represented in the inaugural class. As a member of the DSS Board, she was pleased to see three members participating from the Social Services Department. She agreed that the program is extremely valuable to the County as an organization, but it is also important to citizens that employees understand how best to serve them. Commissioner Lemel thanked all the participants for the time and commitment they gave to this program. She is excited to see the program continue.

Commissioner Guice was very impressed with the employees and their desire to become better informed about County services and the work of their cohorts across the various departments. He was also supportive of continuing the program.

Commissioner Chappell was very supportive of the program and he thought the Connect Transylvania program was a very thoughtful way of teaming up employees to learn more about the organization. He thanked staff for taking the initiative to create the program and all those employees that participated.

Commissioner Dalton was awed by the employees' desire to better themselves, their departments, and the organization.

The Manager also expressed how proud she was of the participants. She was also appreciative of serving the Board as their Manager. She specifically recognized Kate Hayes, who previously served as an NCACC Fellow, and now as Interim Budget and Management Analyst, for taking an idea and turning it into a great program.

Chairman Hawkins was impressed with the participants' interest and investment of time. He said County staff is an exceptional group of people and the Board tries to spread that message throughout the community. He appreciated all County employees for their service to the community.

MOSELEY ARCHITECTS – TRANSYLVANIA COUNTY UPDATE TO COURTHOUSE NEEDS STUDY

The Manager reported that State law gives counties the responsibility of providing court facilities. Since 2005, the County has conducted detailed analyses to inform the decision to build a new courthouse due to concerns raised by State and local officials about the functionality and safety of the facility.

In 2015, the County engaged Moseley Architects to conduct a revised program study using input from court personnel. The program study reflected a space needs requirement of 60,000 sq. ft. and included cost estimates for a new facility on Morris Road adjacent to the Public Safety Facility. A 30,000 sq. ft. shell was proposed as an option to accommodate future growth needs.

In November 2019, the Board tasked Moseley Architects with taking the same program of work and developing recommendations on meeting the space needs, including parking, at the existing downtown Courthouse site, and other potential downtown sites. The purpose was for the Board to have an apples-to-apples comparison of various sites and to identify the cost impacts of stormwater, soils conditions,

parking, relocation of court services during construction (if necessary), and other requirements to meet the project need.

The Manager stated the Board will hear in the presentation by Moseley Architects information about four site options, along with the estimated costs and issues with each site. For summary purposes, she reported the following:

- Option 1 at existing courthouse site: \$45.1 million, including parking deck
- Option 1 on Pickelsimer/City property (below current courthouse on French Broad and Broad Streets): \$44.3 million, including a parking deck
- Option 3 Broad Street site (South Broad Park site below the current Library): \$43.2 million, including a new child development center at another site
- Option 4 Morris Road (updated for current costs): \$36.7 million

Dan Mace, Vice-President of Moseley Architects, and their Project Manager, Jason Hopkins presented their findings on the site option comparison which is summarized below. It was emphasized that Moseley Architects was not charged with modifying the program study.

Mr. Mace started the presentation with a reminder of the issues impacting the current facility and the challenges it presents with meeting the needs and functions of a 21st century courthouse:

Issues with Current Facilities

- Inadequate parking – no separation of judge, public and staff parking
- No ability to securely transport and move prisoners into the facility
- Aging infrastructure
- Not enough courtrooms for increased caseloads
- Inadequate public screening and queuing spaces
- Mixed movement paths for judges, public and prisoners causing safety and liability concerns
- Varied security and accessibility issues
- Inadequate prisoner holding areas
- No jury pool space
- Inadequate jury deliberation space
- Inadequate courtroom size other than superior courtroom
- Inadequate conference and attorney breakout space

Past Courthouse Studies Timeline

- 2008 – original Courthouse Feasibility Study
 - Recommended replacement facility at Public Safety Facility campus
 - 81,000 sq. ft. at \$30 million
- 2013 – Downtown Courthouse Expansion Study
 - 34,000 sq. ft. new addition, 1,600 sq. ft. renovation
 - No new parking - \$11 million
 - Renovation/expansion dwarfed current facility and did not serve to honor the significant historical building
- 2015 – Replacement Courthouse Study
 - Updated program with only essential courthouse functions
 - 61,000 sq. ft. - \$21 million
- 2019/2020 – Replacement Courthouse Site Analysis and Cost Update
 - Developed four options for siting a 61,000 sq. ft. + 28,400 sq. ft. ‘shelled floor’ courthouse
 - Price of the site options range from \$36.7 million to \$45.6 million

Option 1 – Downtown

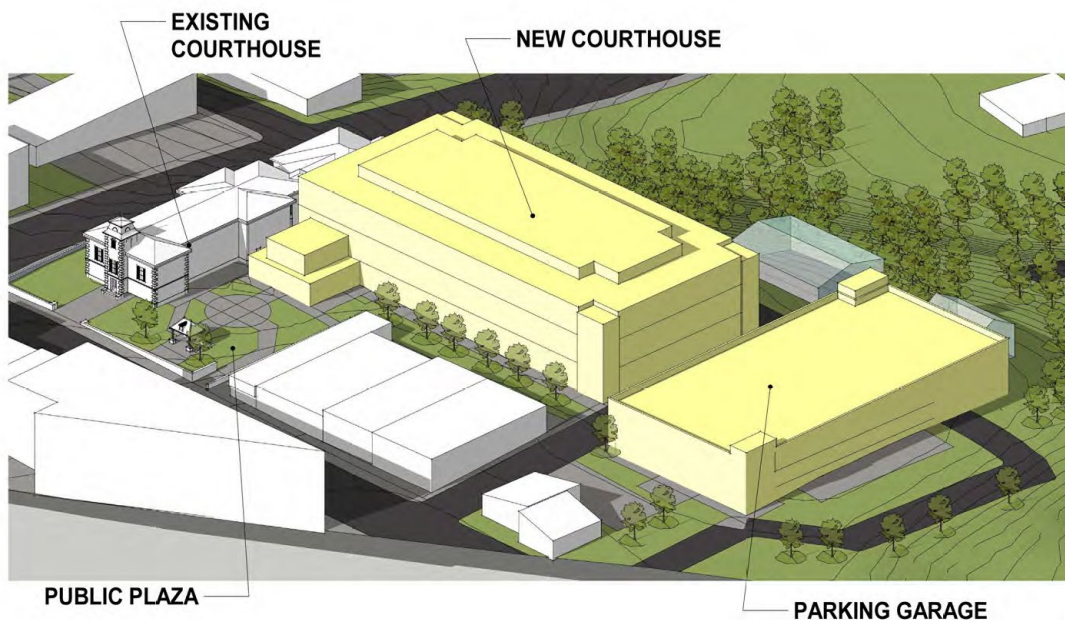
- 3-story mass with 61,000 sq. ft.; top floor shell and another shelled story on the top floor
- Option requires parking garage
- Scale of building is approximately 55' to 60' in total height which gives an indication of the scale of size next to the existing facility
- This site allows opportunity for partial basement due to grading of the site; can be used for secure holding of inmates awaiting transport or some staff parking

Site Issues

- Minimal stormwater improvements; site is already impervious
- Site is zoned “Downtown Mixed Use”; max ground floor area of 25,000 sq. ft. requires a Board of Adjustment hearing (currently 30,000 sq. ft.); max height is 50' 0” per UDO
- Site development would include widening of Probart and Gaston Streets along with improvements to North Broad/Probart intersection
- Courthouse functions need to be displaced for two years during construction
- No parking onsite for staff; would need to be located securely in a basement beneath the building and in a parking deck; takes specialized equipment and contractors and becomes a long-term burden with maintenance costs; otherwise, structurally sound
- Public parking would require a parking deck
- Inmates need to be transported by vehicle from Public Safety Facility which is current practice
- Scale of new facility with three stories dwarfs the historic courthouse
- Adjacency of existing commercial buildings on East Main Street to the new courthouse structure creates security issues
- Disruption to traffic during construction

Cost Estimate

- New construction at \$320/sq. ft.
- Shelled additional square footage (optional)
- Underground sallyport and secure parking
- Site development \$2 million
- Demolition of three buildings \$220,000
- Contingency for construction/design and cost escalation at 5% each respectively
- Bid day cost estimated at \$34 million
- Project costs:
 - Fixtures, furnishings, and equipment (FF&E) budgeted as a percentage
 - Cost to relocate court functions is difficult to estimate without further study; accounted for in estimates at \$1 million
 - Site and construction testing
 - Professional fees
 - Site acquisition
- Parking garage estimated at \$4.3 million
- Total project \$45 million



A.2

MOSELEYARCHITECTS

TRANSYLVANIA COUNTY COURTS SITE STUDY
 TRANSYLVANIA COUNTY, NC
 592968

OPTION A - EXISTING COURTHOUSE SITE

Option 2 – Pickelsimer Site

- Located on Broad Street; Apple Tree Street runs alongside the site
- Same mass but shaped differently; due to siting, would more than likely have a corner entrance
- Requires parking garage
- Terrain is steep; earthwork costs would escalate if situated differently on the site

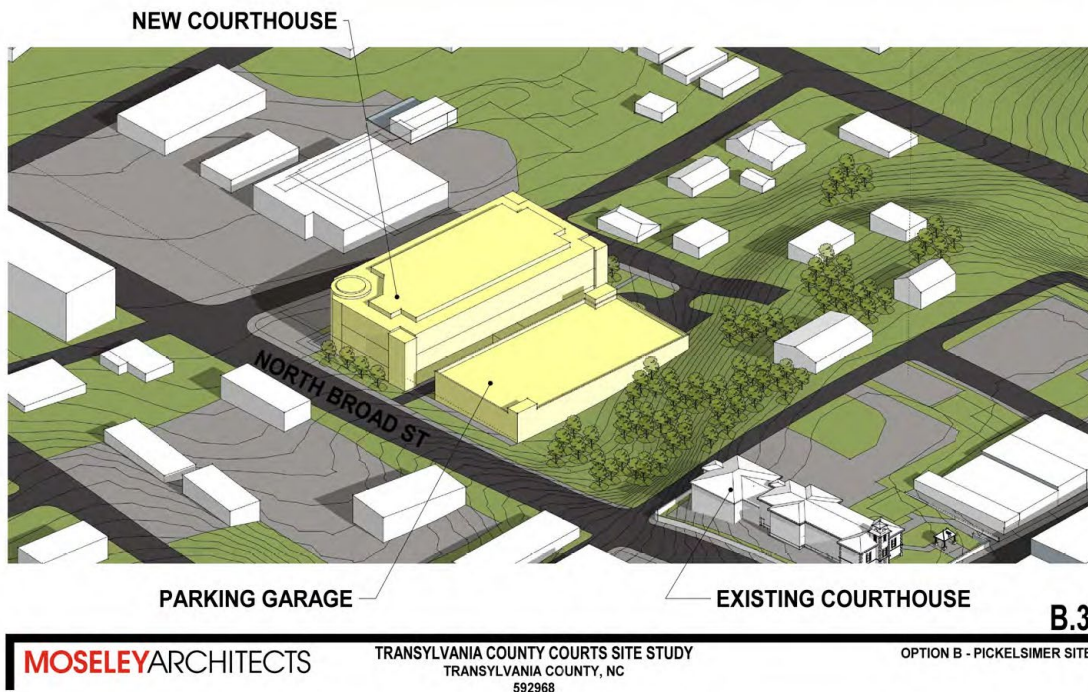
Site Issues:

- Minimal stormwater improvements; site is mostly impervious but will require some offsite improvements along street corridors downstream
- Minimal earthwork; mostly cut
- Site is zoned “Downtown Mixed Use”, same issues with UDO and maximum ground floor area as with the current site option
- Site development would include some improvements to North Broad Street and widening of Apple Tree Street
- Public parking would require a parking deck
- Staff parking (65 shown in artist rendering) would be surface parking that can be secured
- New facility is prominent location near downtown
- Inmates need to be transported by vehicle from Public Safety Facility
- Requires property acquisition
- 18-24 months of construction in downtown; will be disruptive to the neighborhoods, local businesses, and traffic

Cost Estimate

- Pile allowance (when soils are not suitable to use a traditional foundation system) \$650,000
- Parking and site development \$3 million; requires more grading than current site
- Demolition of three buildings \$180,000
- Same contingencies apply

- Bid day cost estimated at \$32.3 million
- Project costs:
 - FF&E same
 - Should not require relocation of court functions
 - Site and construction testing
 - Site acquisition (three parcels) at \$2 million based on assessed tax value
- Parking garage estimated at \$3 million for 150 spaces at \$20,000/space
- Total project \$44.3 million



Option 3 – South Broad Street

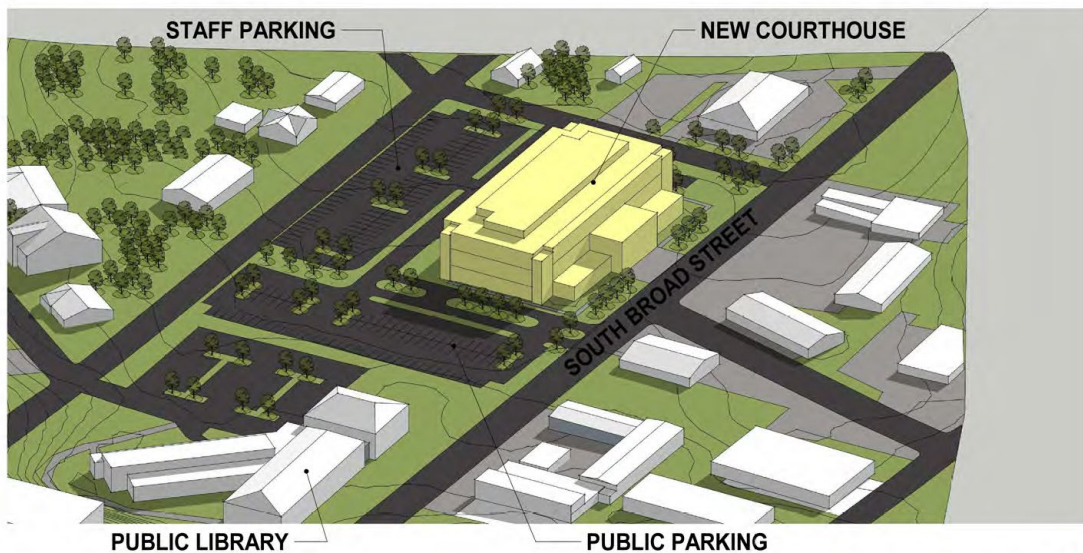
- Near public Library and runs along Varsity Street
- Gaston Street runs parallel to South Broad Street
- Roughly the same mass with front-facing entry on Broad Street
- Option does not require a parking garage; enough space onsite to accommodate all staff and public

Site Issues

- Extensive underground stormwater improvements; existing site is mostly pervious with inadequate capacity pipes around the site
- Minimal earthwork since site is flat
- Site is zoned “Downtown Mixed Use”
- Street improvements to South Broad, Varsity and Gaston Streets
- New facility is in a prominent location near other government buildings near downtown
- Displaces public park
- Requires relocation of Child Development facility
- Inmates need to be transported by vehicle from Public Safety Facility
- 18-24 months of construction in downtown; will be disruptive to the neighborhoods and traffic

Cost Estimate

- Requires pile allowance
- Site development and infrastructure improvements \$4 million; highest cost for site development of all the options; figures provided by Civil Engineer Michael Goforth and he was comfortable with the figures based on history of site and nearby sites
- Demolition of Child Development Center
- Contingency
- Bid day cost estimated at \$33.2 million
- Project costs:
 - \$5 million to replace Child Development Center
- Total project \$43.2 million



C.3

MOSELEYARCHITECTS

TRANSLYVANIA COUNTY COURTS SITE STUDY
TRANSLYVANIA COUNTY, NC
592968

OPTION C - SOUTH BROAD ST SITE

Option 4 – Public Safety Facility Site

- Morris Road location next to Public Safety Facility
- Site is planned for courthouse facility with a physical connection to the Public Safety Facility for secure transport
- No parking deck required; all parking is surface parking
- Staff and public parking separate

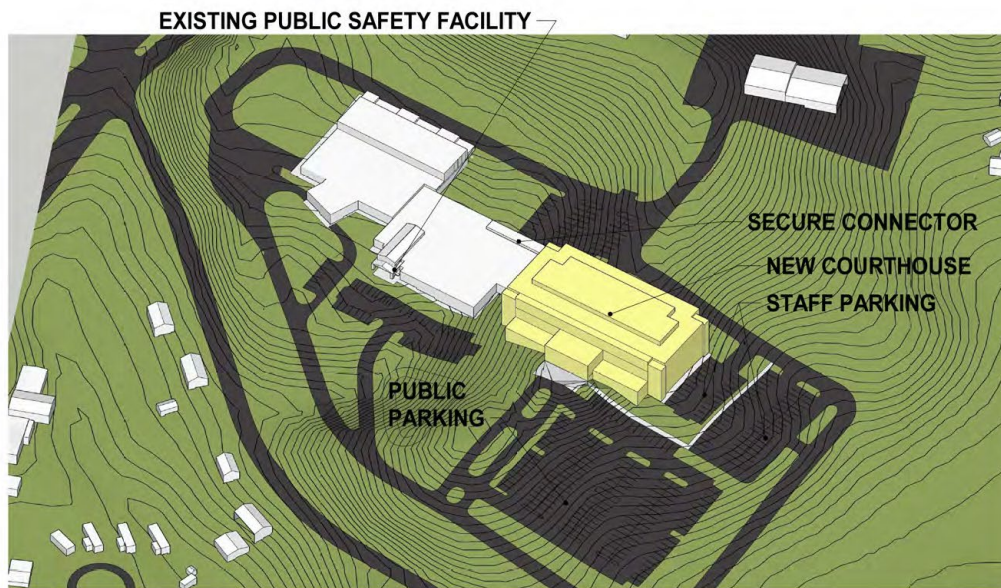
Site Issues

- Stormwater improvements will all be above ground; offsite work is already completed
- Heavy earthwork; mostly cut
- Site is zoned “General Industrial” – max ground floor area of 100,000 sq. ft., no zoning adjustments required; max height is 50’ so per UDO requires a Board of Adjustment hearing
- Preliminary judgment of minimal or no improvements to Morris Road, but no traffic study completed that might dictate turning or deceleration lanes; traffic counts would determine those changes
- Surface parking

- Proximity to Public Safety Facility and the ability to make a secure connection to transport inmates
- Require minimal holding areas compared to other options due to secure connection of facilities
- Courthouse is removed from downtown; less visible to passersby, so less public interaction with court facility unless going to court for a particular reason

Cost Estimate

- \$4 million for site development, including connection of both facilities
- Same contingencies
- Total project \$36.7 million



D.2

MOSELEYARCHITECTS

TRANSYLVANIA COUNTY COURTS SITE STUDY
TRANSYLVANIA COUNTY, NC
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OPTION D - PUBLIC SAFETY CAMPUS SITE

Moseley's Recommendation

- Option 3 (South Broad Street site) gives the new courthouse a significant prominent downtown presence
- Option 4 (Public Safety Facility site) is the most cost-effective option from a building cost and officer transport cost standpoint
- New courthouse should have a civic strength to it no matter where it is located
- Understands public desire for visibility because it is a sign of respect for law and order and that it is present in the courthouse building

There are several issues the County should weigh in on: construction costs, location, separation from jail facility, transportation, etc. Moseley Architects felt comfortable with the cost estimates and that they could work significantly within the figures they provided. This concluded the formal presentation.

Chairman Hawkins called for discussion by the Board.

Discussion and Comments

Commissioner Chappell asked for confirmation that the estimated timeframe starts when construction begins, noting there could be additional time for relocating court functions or site demolition. Mr. Mace confirmed that overall construction would take 22-24 months, not taking into consideration other elements required before construction begins. He noted a parking deck can be constructed concurrently and does not add to the construction duration. If the Board were ready to begin the process today, they would be about a year out for mobilizing a general contractor.

Commissioner Lemel asked if there is an expectation of programming modifications due to the impact of the pandemic and how people will interact with each other in the future. If so, she asked if it would be wise to remove the third-floor shell expansion to reduce costs. Mr. Mace stated it is not yet known how COVID-19 will affect how people permanently behave in their professional environments, especially in the judicial system. He pointed out that human interaction is especially important in the judicial system. He felt that communities will return to a standardized way of doing business once the pandemic is over. Mr. Mace advised that it continues to be a wise decision to include an expansion shell. If the third-floor shell is not added, he suggested the Board master plan for a future horizontal expansion because it would be more difficult in the future to expand upwards due to building codes and local government regulations.

Commissioner Guice supported planning for future expansion but acknowledged the challenges with planning due to so many unknowns. He shared a conversation he recently had with the Resident Superior Court Judge about the potential need for additional space in the courtrooms to provide distance between people. He felt there may be lessons learned during this time that should have been standard practice all along.

Commissioner Guice asked further questions about the Morris Road option. He inquired about the proximity of the property line behind the proposed site. He recalled in his previous years as County Commissioner that the Board did not purchase additional property at the time the land was purchased for the Public Safety Facility. He wondered if there would be a need for a second entrance to control traffic. Civil Engineer Michael Goforth reported that the proposed plans do not require the purchase of additional land. With that said, Mr. Goforth said the additional property adjacent to the secure staff parking area would be beneficial to own. In terms of a secondary entrance, he noted that Welcome Street connects to Ecusta Road requiring the ability to cross up to three parcels, thus necessitating rights-of-way agreements. That is an option if the Board wanted to consider a second entrance/exit. He informed that the proximity of the adjacent property is close and would more than likely lose most of its forest buffer. The City's UDO would come into play in terms of buffer requirements.

Commissioner Guice recalled a sewer line being installed on that property years ago that connected to the City and asked for confirmation for the purpose of understanding capacity. Mr. Goforth reported that the County constructed a tie into the public sewer line that would handle the additional capacity from a new facility. He reminded Commissioners that a couple of years ago there were stormwater improvements made to the site.

Chairman Hawkins stated that the scope of this agenda item has been accomplished in that Moseley Architects has given the Board a broad overview of potential costs and issues of the four options. He said the Board needs to delve deeper into the technical questions that arose, as well as the general questions related to possible permanent impacts to programming due to the current environment. Balancing these factors is the reality that the cost to build a new facility has risen significantly since the Board first started discussing a new courthouse. Chairman Hawkins suggested the Board reflect on what they have learned from the presentation and start developing specific questions about options that could be addressed in a workshop setting. He felt it was very important to keep the process moving.

Commissioner Guice stated that he also wanted to learn more about how other counties (Lincoln and Moore, specifically) are proceeding with their court facility projects during the pandemic. Mr. Mace will provide contacts to the Manager for both counties. He felt it would be beneficial to learn about how those counties have proceeded through various challenges, understanding that what may work well in one county may not be the solution for another.

Chairman Hawkins asked Commissioners to determine what questions they need answered and then allow staff to work with stakeholders to determine a path forward.

NEW BUSINESS

MODIFICATION TO ANNUAL CAPITAL APPROPRIATION FOR TRANSYLVANIA COUNTY SCHOOLS

Finance Director Jonathan Griffin presented this item. He reported that on August 18 the County received a request from the School System to amend their capital spending plan for FY 21. They did so because the Board restricted their appropriations by project or function for capital outlay spending. Therefore, any amendments to their capital outlay spending plan must come before the County for approval. The request includes a reduction in spending by \$240,191 on several projects at Brevard Elementary and Brevard Middle, equipment at Brevard High, and painting and flooring projects at Rosman Elementary. The funds will be reallocated for additional computer equipment and capital repairs and replacements.

Commissioner Lemel moved to approve the capital spending request by Transylvania County Schools as presented, seconded by Commissioner Chappell. Transylvania County Schools Finance Officer Norris Barger thanked the Board for their consideration. The Board of Education's request does not seek additional funds. The purpose of their request is simply to shift funds toward items recently prioritized by the Board of Education. Commissioner Lemel pointed out that HVAC systems have been an issue for the School System, so she asked if Mr. Norris was comfortable reallocating funds for HVAC to other projects. Mr. Norris stated he was comfortable with doing so, noting he is working to put HVAC systems on a cyclical replacement system. Commissioner Chappell asked if the funds for computers were directly related to the pandemic and the virtual learning requirements or due to aging equipment. Mr. Barger said the funds are being used to make up for losses in State funding for digital learning which were pulled in the last legislative session. The State provided some additional dollars in the emergency relief funding tranche, but those funds simply replace the reductions from the legislature. Commissioner Dalton was pleased to see funding included for the new score board frame because he has heard a lot from the public about it. Mr. Barger reported the School System is determined to complete that project. Commissioner Chappell asked Mr. Barger to send information to Commissioners about the funding they lost for digital learning. Mr. Norris agreed. Chairman Hawkins recognized Mr. Barger and others in the School System for the work they are doing in the current complex educational environment. **The motion was approved unanimously.**

NAMING OF FITNESS COURSE

Parks and Recreation Director Jared Mull presented this item. In February 2019, Jameson Courtine, a 9-year-old student at Brevard Elementary died unexpectedly. The Courtine family and other members of the community started the Jameson's Joy Foundation in his memory. One of the Foundation's goals was to build an American Ninja Warrior type of playground, as this was Jameson's favorite show to watch on television.

In November last year, Commissioners approved a partnership and funding proposal to build a fitness course to help meet the County's top recreation program need – Adult Fitness and Wellness. The proposal was a cost split where the County paid 65% of the cost at \$139,704.19 and the Foundation paid the remaining 35% at \$75,225.32. A sign and two benches were donated by the company that constructed the fitness course.

On November 25, 2013, Commissioners approved a policy and procedures for naming County-owned properties, facilities, and parks. The significant donation of money is one of the qualifications for which the Foundation should be considered for approval by the Board.

The design for the sign will highlight and honor Jameson Courtine, recognize the partnership between the County and the Foundation, and recognize the Courtine Family and Parks and Recreation Commission for their involvement in this project. Mr. Mull worked with the sign company on the font for the title of the sign that mimics Jameson's handwriting which is a special and unique touch. The sign will be erected onsite nearing the starting point of the course.

Commissioner Lemel moved to approve the naming of the new fitness course to be in Jameson Courtine's honor and to approve the sign as presented that would be placed on the site at the course, seconded by Commissioner Guice. Commissioner Lemel commented that the issue around naming a facility is always challenging, but she felt the parameters the Board set forth in the policy qualifies this request. She believes that the donation of funds reached the level of significance and is thus justifiable. She suggested possible future discussion about setting a dollar value or percentage to help define the word significant. Commissioner Chappell agreed with the recommendation. He noted that previous years' discussion about this policy indicated no desire by the Board to define a dollar amount because sometimes the request itself is fitting. He appreciated how the family chose to honor Jameson's legacy and how it will impact the lives of Transylvania County and its citizens for many years. He commended the Courtine family for their courage to turn a tragedy into something positive. Commissioner Chappell encouraged citizens to visit the Foundation's website and donate. Commissioner Guice was very thankful for the legacy the Courtine family has created for Jameson because it sets an example for young people in this community. He was not supportive of adding a dollar amount to the policy to define significant. Commissioner Dalton was touched by how the family has turned a tragic situation into honoring a legacy. The family's work to honor Jameson shines a positive light in the community. Chairman Hawkins thanked Mr. Mull for all his work on this project. He inquired about whether the drainage issues had been resolved. Mr. Mull said the park is ready for use when the Governor's restrictions are lifted. He thanked Maintenance, Operations, and the City for their help in resolving the drainage issues. **The motion was approved unanimously.**

INTERIM DSS SPECIAL COUNSEL

The Board of Commissioners elected to move to in-house Social Services (DSS) and County Attorney counsel in 2017. Due to the growth in the amount of work required for legal counsel, the Board transitioned to contract services for the County Attorney but kept the in-house DSS counsel model intact.

Mary Ann Hollocker served as the most recent in-house counsel for DSS, but she resigned her position effective August 10 to join a local firm. Former County/DSS Attorney Misti Bass has been hired in the interim to provide legal services for DSS.

The Manager asked the Board to consider the preferred DSS counsel model and direct staff on how to proceed. If the Board wishes to transition back to the contracting method, they should direct staff to seek requests for qualifications, identify a review team, and select a contract attorney from the responses received. The Manager pointed out that under the contracting method, the Board would need to address any potential conflict of interest. If the Board elects to remain with the in-house model, then staff requested direction on how Commissioners would want to move forward with the interview process and subsequent selection. The Manager noted that Human Resources is currently accepting applications.

The Manager reported that Commissioner Lemel has been serving as the direct supervisor for the DSS special counsel. She invited Commissioner Lemel to comment, noting there is a major difference between in-house counsel and a contract attorney. She restated the recommendation is to give staff direction on this item.

Commissioner Lemel has been pleased with the accomplishments of the in-house DSS counsel over the last several months. It has made a significant difference having a consistent staff member to handle the workload which has elevated the department's ability to be efficient and function well in court. In addition, the County's reputation has risen among all court personal in how cases have been processed and moved through the court system. As a member of the DSS Board and the direct supervisor for the DSS Attorney, she supported continuing with the in-house counsel model for DSS. She was confident that the DSS Board supported the recommendation to remain with in-house counsel as well.

Commissioner Lemel stressed the importance of the County and DSS being able to serve the most vulnerable citizens in the community.

Commissioner Lemel moved to continue to accept staff attorney applications for another two-week period of time after which time we would begin the selection process based on the same system employed with the hire of Mary Ann Hollocker, seconded by Chairman Hawkins. Commissioner Guice said he understood Commissioner Lemel's support for having in-house counsel, but he had several concerns he wanted addressed prior to making a decision about a legal model. Commissioner Lemel acknowledged there was a misunderstanding that Ms. Hollocker could cease working as in-house counsel and immediately serve as contract attorney. However, there is a process the County must go through that involves an open public process. In the interim, the County hired former County/DSS Attorney Misti Bass to serve through the transition. Commissioner Guice agreed that having Ms. Bass step in to serve as interim was the appropriate action; however, the fact that Ms. Bass is traveling from quite a distance to work here also presents challenges. Commissioner Guice reiterated that he wanted to understand the best way to move forward, but at this time he did not have a good understanding of the models in terms of cost, supervision, accountability, etc. Commissioner Chappell agreed with Commissioner Guice's concerns. He inquired about the recommendation in the Board's agenda packet information to use the Board of Commissioners' Attorney Teague and Campbell as backup DSS legal counsel. The Manager informed that Teague and Campbell do not normally do this type of work, but the firm is very capable of doing so. Chairman Hawkins asked Commissioner Lemel to consider tabling the motion at this time. In the meantime, the Board could work with staff to understand the supervisory structure, cost, conflict of interest, and get answers to other questions and revisit the item at the next meeting. While she was not supportive of postponing the decision, she agreed to table the item. She felt strongly that the service to our most vulnerable citizens is of the most critical timing and delaying a decision is another day that we are not caring for those who need us the most. Commissioners Chappell and Guice took issue with her statement because they felt by taking the time to make the right decision is ensuring we are taking care of those most vulnerable in the community. **Commissioner Lemel withdrew her motion at the request of the Chairman and moved to table the item until the next meeting, seconded by Chairman Hawkins. The motion to table passed 4 to 1, with Commissioner Lemel voting against.**

DSS INTERIM CONSULTANT CONTRACT

DSS Director Darrell Renfroe will retire effective August 28. The DSS Board intends to recruit for a new Director, but in the meantime would like to engage consultants from the REAL Academy and Neuroagile Leadership to provide interim Director services. The scope of work required to provide department leadership will include:

1. Assess current service performance, reconcile results, and implement strategies to align with the State/County Memorandum of Understanding to strengthen service provision to the community and establish continuous quality improvement as an element of the organization's structure
2. Provide onsite day-to-day operational management and culture
3. Engage supervisors, managers, and administrators in leadership development
4. Implement professional development plans and foster an encouraging and accountable work environment
5. Engage all staff to establish a culture and climate focused on a mission of service and community centered service

6. Establish and strengthen community relations, participate in department head meetings, and DSS Board meetings as required
7. Support the DSS Board and County leadership in exploring consolidation via research, sharing experiences from work in other consolidated counties, and assisting with planning and strategies

The consultant contract would be funded partially using lapsed salaries at approximately \$117,000, with the remaining \$24,000 being allocated from fund balance. The DSS Board and the consultant are negotiating a detailed contract, but there is a time pressure for the Board to approve this action due to the impending retirement of Mr. Renfroe. The scope of authority for the Board of Commissioners is to consider having the County Manager or Chairman sign the final contract and authorize the additional funds for the services. The Manager reported that DSS Board Chair Judith West is present to answer any questions, as well as Commissioner Lemel who serves as the County Commissioners' representative on the DSS Board.

Commissioner Guice was concerned about goal 4 to assist in evaluation and planning for consolidation. He reminded the Board they recently heard a presentation from the School of Government on consolidation, but the Board has not discussed it any further. Additionally, the consolidation component involves more than just DSS – like the Health Department. He also did not feel consolidation should be considered at all during this pandemic because DSS and the Health Department are most essential and should not be disrupted while they are most needed in the community.

Commissioner Lemel agreed with moving goal 4 from the scope of work.

Commissioner Chappell asked if the DSS Board felt comfortable with this arrangement and when they expected to have a final contract in place. Ms. West stated the DSS Board has been very involved with the development of the proposal. The DSS Board hopes there will be someone on the ground by Monday, if not then very soon after.

Commissioner Guice inquired about the consultant's experience with this type of work. Ms. West stated that previously when directors left, the County hired interim directors to serve in the transition. This is a slightly different model that will serve to make improvements in the department, not just serve as a placeholder. Commissioner Lemel added that the consultants will provide the department an opportunity to evaluate the organization in its entirety in terms of operations, efficiencies, maximizing reimbursement opportunities, staff culture, etc. in a comprehensive way.

Commissioner Chappell asked for a cost breakdown. Commissioner Lemel informed that the contract is specified for a total of \$140,400 with 50% projected to be reimbursable. Out of pocket net to the County would be \$70,200. The DSS Board is asking the Board of Commissioners to approve up to the \$141,000. The details of the contract will determine the final amount, but it would not exceed \$141,000.

Based on Commissioners' concerns, Chairman Hawkins asked staff to omit goal 4 from the consultant's contract.

Commissioner Lemel moved to authorize an amount up to \$141,000 for the contract between our DSS Board, Transylvania County and the consulting firm as presented here for up to a 10-month contract, and authorize the County Manager or the Chairman to sign the contract once it is finalized, seconded by Commissioner Chappell. Commissioner Chappell asked Commissioner Lemel to amend her motion to specify where the money would come from. **Commissioner Lemel amended the motion to fund the \$141,000 by using lapsed salaries in the amount of \$117,000 and the remainder to be allocated from fund balance in the amount of \$24,000, seconded by Commissioner Chappell and unanimously approved.** Commissioner Guice asked for further explanation on the reimbursement. The Manager informed that services to DSS can be reimbursed by the State by 50% but there are no

guarantees. With that said, staff is confident the services qualify as reimbursable expenses. **The main motion was approved unanimously.**

BUDGET AMENDMENTS

Finance Director Jonathan Griffin presented budget amendments for the Board's approval, as well as a year-end summary report of changes to the budget. The budget amendments require approval from the Board because they fit one of the following criteria:

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

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

RECOGNITION AND APPROPRIATION OF REVENUE

#86 (amended 5/15/2020) and **#96** (amending budget effective 6/03/2020) reflects additional reimbursable expenses related to the LINKS program. These are restricted programs operated by the Department of Social Services. The initial budget figures need to be revised as NCDHHS revisits and updates funding authorizations throughout the year. This program was initially budgeted at \$7,500, but the ultimate eligibility of the County ended the year at \$16,985. LINKS (Independent Living Services for Foster Children) provides resources for youth and young adults aged 13-17, and young adults 18-21 in foster programs and reimburses County DSS offices for expenses taken on their behalf.

Amendment #87 adds additional spending authority to the Department of Social Services for the AFDC IV-E Foster Care program. While the General Assembly sets the amount of the foster care payments, funding for payments comes from a combination of federal, State and County money. The County receives reimbursement for the board rate based upon the child's eligibility for IV-E, TEA or State Foster Home Funds. Significantly more children have been eligible for IV-E over the past several years, with expenditures related to foster care in this program trending significantly higher over FY 2020. Included in the Board's agenda packet was a month-by-month breakdown of expenditures for the past two years is to illustrate the accelerated need in this field.

For the first three quarters of FY 2019 (July 2018 through February 2019), for example, the County averaged about \$15,000 in expenses in this program per month. Beginning in March and April 2019, the County has experienced significantly higher monthly expenditures. For the period beginning January 2020 through June 2020, the average was \$39,000 per month.

A large majority of the expenditures are reimbursable, so the net financial impact to the County is significantly lower than the amendment as approximately 85% of AFDC program expense is reimbursable. Per the Department of Social Services, they are not able to mitigate the cost of these expenditures.

#99 recognizes revenue received through the Office of the Sheriff's Detention Center. The Detention Center saw significantly higher expenditures under its contract for the health needs of the inmates during FY 2020, so this recognizes unbudgeted revenues and reduces the budgeted expenses on juvenile detention to offset that. Staff from the Office of the Sheriff sought out a new vendor for 2021, so this need should be mitigated in future years. This adjusts the budget to reflect the actual revenues and expenditures received in the Detention Center.

#122 recognizes approximately \$25,000 in grant revenues received by NCDHHS for the benefit of the New Adventure Learning Center. During the months of April and May 2020, NCDHHS used funding

available to it to pass grants on to certain licensed childcare centers. Those childcare centers were then obligated to use those revenues to provide bonuses for workers who were working during those months. The County received approximately \$13,000 in two disbursements in April and May which it paid out, pursuant to instructions from NCDHHS. This budget amendment aligns the budget with those expenditures.

FUND BALANCE APPROPRIATIONS:

#105 is a recognition of additional revenues and small appropriation of unassigned fund balance to cover the unanticipated cost of food services for the New Adventure Learning Center. The New Adventure Learning Center lacks a commercial kitchen and staff to man it, and therefore is not capable of providing its own breakfast and lunch service.

Additionally, staff have previously determined that given the class sizes, it would likely be inefficient to try to staff the department to that capacity; however, food service is a part of what makes the center licensed at the five star level. It is also able to tap into a source of revenue that partially, but not fully, offsets the cost through the USDA's Child and Adult Care Food Program.

The current contractor for this service is Transylvania County Schools via its nutrition department. TCS provides certain equipment; however, increasing costs led TCS to notify the County that it would need to increase the cost of providing these services. County staff contacted several potential vendors that service other larger facilities but were unable to find a vendor interested in providing these services. Staff also evaluated whether the Office of Sheriff's Detention Center kitchen could meet this need but there are strict nutritional requirements.

#113 appropriates \$404,250 from assigned fund balance for water and sewer infrastructure and transfers it to the Water and Sewer Project Fund (transfers between funds are recognized as expenditures in the outgoing fund and revenue in the receiving fund). As we anticipate the design phase of the Town of Rosman/Gaia Herbs public-private partnership to begin later this calendar year, this puts resources immediately available while we await further payment from the NC Commerce grants undertaken pursuant to this project. The Board had previously allocated these funds in assigned fund balance for this purpose, so in effect what this amendment does is withdraw those funds from the appropriate account.

#117 appropriates \$69,494 from assigned fund balance for employee vacation leave benefits to cover the expenses. County policies allow for employees to redeem up to one week of leave for straight time during each calendar year, and records this on an expenditure leave. This time of benefit is common amongst governmental employees. Given the length of this budget amendment, driven in part by the fact it touches 27 individual departments, the full detail was provided separately in the Board's agenda packet.

#123 The County receives certain restricted fees and fines from the Clerk of Superior Court/ Administrative Office of the Courts on a monthly basis, and is restricted by NC General Statute § 7A-304 to use those revenues exclusively to provide, maintain or construct courtroom facilities. Currently, the County receives these funds in the general fund and uses a specific department to account for court facility costs, such as the law library subscription services or utility bills for the Courthouse. Generally, it is common for counties to account for these funds in a special revenue fund given the restricted nature of the funds and the reporting needs (finance officers must be able to provide detailed reports on court facility fee activity upon request by the Clerk of Superior Court and annually to the Administrative Office of the Courts, and accounting for this in a place outside of the general fund will allow a one click solution to that in the County's new financial software.)

OTHER:

#112 This budget amendment reduces the estimated revenues for the Building Permitting and Enforcement Department. When the General Assembly implemented a legal requirement that excess revenues for permitting be held as a restricted fund balance for the sole and exclusive benefit of future expenditures for building permitting inspection and enforcement departments, it did not clarify by what process departments should be budgeted if and when revenues come in below budget. The reports designed by the Department of State Treasurer are unclear about what process needs to be followed when the revenues of this department do not meet the expenditure need, so this particular budget amendment is an attempt to bridge this gap. As it stands, for FY 2020, the department realized \$467,000 in revenues but incurred \$581,600 in operating expenditures for salaries and wages and supplies during that period.

#117 In 2016, the County applied for an allocation of US Housing and Urban Development Department funding through the Asheville Regional Housing Consortium. The County received those funds, and they were to be administered by the County's Planning and Community Development department. The purpose of this grant was to allow the County to hire a contractor to bring three homesites up to current building code (technical term for this is a scattered site rehabilitation). To facilitate the accounting for these highly restricted revenues, the County established a special revenue fund (fund 19) to account for this financial activity. After several attempts to identify properties that would meet the restrictive criteria, Planning and Community Development staff identified one property that would qualify for this program. After additional time passed, and additional staff turnover, that department was able to identify a valid contractor willing and able to perform the work.

At the end of that process this year, County staff, in preparing final reports to the City of Asheville, determined that during the full life cycle of the grant, there were significant compliance issues with how the County had managed the process – certain reporting requirements had not been met on the construction side, the income verification had not been consistent year-to-year on participants and it was unclear whether certain environmental and technical reviews had taken place. In short, we had spent a total of \$77,609 on a single renovation project out of the budget of \$165,000 but would not be eligible for the \$50,000 reimbursement. As in prior years, the Board had transferred \$60,000 to the HOME Fund, so only an additional \$17,609 is necessary to close the special revenue fund that had been established for this purpose.

DISASTER RESPONSE FUND

#119, 120 and 121 authorizes the budget level of the Disaster Response Fund's different functions at the level actually incurred by the County. As previously disclosed to the Board, the Department of State Treasurer interpreted the guidance from the US Treasury and GASB concerning the nature of CARES Act resources to require a specialized method of accounting.

Currently, the county is receiving specific types of funding that staff are aware are authorized under the CARES Act. The Coronavirus Relief Funds overseen by the US Treasury are lump sum appropriations sent to states. At this time, County Management views the best use of these funds is to utilize them to offset salary costs on personnel who are substantially dedicated to pandemic response. Several departments already pass this test, and these budget amendments would authorize these expenditures that have been already incurred:

This will in turn free up resources elsewhere in the general fund to meet other needs and simultaneously mitigate the revenue impacts we are experiencing by reducing expenses that would otherwise be supported by ad valorem property taxes or local option sales and use taxes.

Amendment #119 authorizes payroll expenditures in the Disaster Response Fund in the following amounts with these justifications:

1. The Office of the Sheriff's Patrol Division incurred \$257,302 in payroll expenditures between 3/27 and 6/30, during the period under which the Office of the Sheriff was the primary law enforcement agency responsible for enforcing restrictions on activities related to mitigating the spread of the novel coronavirus.
2. The Parks and Recreation department incurred \$58,484 in payroll expenditures for the period in which all other activities were closed and they were primarily dedicated to providing childcare opportunities for essential workers
3. The Emergency Medical Services department incurred \$189,971 in payroll expenditures for the period 3/27 through 6/30, and they are considered substantially dedicated at this point because all calls could potentially involve response to or exposure to the novel coronavirus.

The County is also a part of the distribution of relief funds to keep public transportation systems operational during the pandemic and was able to apply for the period through 6/6 and received this reimbursement after 6/30/20. Essentially, this amendment relocated the operating expenditures for the Public Transportation Department out of the general fund for the pandemic period. Amendment #120 reflects this:

The County has accumulated significant supply resources to help mitigate the pandemic's impact on County operations and the community. Some of the expenditures were originally undertaken through appropriations by the Board of Commissioners in March and April 2020 or were absorbed by individual departments.

So far, the County has identified and filed for approximately \$170,000 in reimbursements for equipment and supplies placed prior to 6/30, with the opportunity for additional revenues outstanding. Some remaining questions that are being explored prior to filing FEMA applications are whether it is more advantageous to the County to file for FEMA reimbursement for the cost of acquiring equipment, or the hourly rates for the usage of that equipment during this period. This budget amendment covers the actual amount of expenditures known through 6/30. Amendment 121 reflects this.

The short-term plan by County Management is that after expenditures have been evaluated for FEMA-PA or a different restricted funding stream, it would assess whether the CRF (Coronavirus Relief Funds) would be an allowable cost. If neither funds are applicable, the department that initiated the expense would reimburse the Disaster Response Fund out of their 2021 budget allocations.

EMPLOYEE BENEFIT AND PENSION FUNDS

#114 uses \$75,000 in lapsed salaries in the Office of the Sheriff to fund a transfer to the Law Enforcement Special Separation Fund to cover overages (the Finance Director estimated six retirees, not the actual seven for the fiscal year) and also add a supplemental amount to the LEO Fund's fund balance for future year savings. This allows us to cover the small cost overage and set some aside for future years in the event the County's actuarial liability continues to grow again in future years. Over the last three years, it has remained roughly stable.

#116 adjusts the budgets for the Self Insurance Fund and the Retiree Health Fund to meet their actual expenses. The County experienced surprising increases in claims activity this year, broadly inconsistent with the last three completed fiscal years.

The Retiree Health Fund is balanced to actual expenses of \$348,222, versus an initially planned expense of \$198,965. Human Resources reported that most of this expense is reliant on a single retired employee experiencing a significant medical emergency that caused costs to the County above and beyond the limits of our stop loss policies.

This increase offset by several items:

1. Staff did not budget for investment returns on idle funds in the Retiree Health Fund but ultimately had \$25,812 in interest revenue that can be used to offset the overages.
2. The contribution from individual departments was \$209,501. The County budgets for these expenditures by charging a flat amount per full time employee to each department. This is split between the needs of the 457 Deferred Compensation Plan or the Retiree Health Plan. In this case, the 457 plan expense was under budget by \$44,461, and so those resources could instead be used to offset higher expenses in the Retiree Health Fund.
3. A small appropriation of fund balance in the amount of \$79,797.

Ultimately, this is a small amendment necessary to bridge the gap. The actuarial liability of the plan continues to decrease according the studies that the County must undertake annually.

The Self Insurance Fund is amended with an appropriation of fund balance. The initial funding plan for the Self Insurance Fund totaled \$4.59 million in expenditures between the needs of the Wellness Center and benefit claims on behalf of employees. At the end of the year, the actual amount expended was \$4.67 million, driven in part by the cost of health insurance claims coming in over budget by \$106,844, or 3%. Per Human Resources, this was largely driven by a higher than usual number of major surgeries performed on County employees.

Staff worked with Mark III to adjust the County's stop loss policies and adjusted prescription drug benefits in FY 2021 to mitigate some of the increasing costs; however, given the unpredictable nature of the County's insurance expenses in prior years, it will be difficult to ascertain immediately whether that will be a permanent fix. Similarly, the trendline on these expenditures was already heading downward given how many procedures and opportunities to connect with doctors were being cancelled or postponed due to the pandemic, having peaked in December/January and fallen to a more normal level of \$264,000 per month in May.

If approved, these amendments will increase the size of the General Fund budget by \$709,993, to a final level of \$68,915,712. It also sets the final level of the Disaster Response Fund at \$845,453.

Commissioner Lemel moved to approve the requested budget amendments and to accept the written report as submitted, seconded by Commissioner Guice. Commissioner Chappell asked if staff felt comfortable with using federal relief monies to offset salaries. He was concerned about making sure the County is following the restrictions outlined in the relief act. Mr. Griffin reported that guidance from the US Treasury confirmed this is how the funds are intended to be used. The Manager pointed out this has been cleared through the NC PRO office. Staff has also been in coordination with the NC Association of County Commissioners and their counsel that have vetted exactly how counties should be processing the CARES Act funds. Commissioner Lemel was appreciative of the level of detail in the explanation of the budget amendments. Mr. Griffin stated it is important to him that the Board is comfortable with what is being presented. Commissioner Chappell asked staff to monitor the trends of health insurance and if they are not going the way we expect, to bring back information before the Board. He understands these are assumptions for budgeting purposes, but he stressed we need to be cognizant of whether it is time to do something different. **The motion was unanimously approved.**

PHASE 5 COMMUNITY SERVICES HVAC PROJECT

Assistant County Manager David McNeill presented this item. On December 9, 2019, the Board of Commissioners approved a phased approach to the replacement of HVAC units in the Community Services Building. The second story of the building is served by eight HVAC units. To date, three phases of the project have been completed, with the fourth nearing completion. The systematic replacement of outside roof units will prepare the building for a needed roof replacement.

Staff wishes to move forward with phase five of the HVAC replacement project. Staff received a quote from Horizon using Trane equipment, the same as for the first four phases. This project also meets the goal of replacing all the R-22 units. Staff requested the following project budget:

HVAC Replacement	\$18,732
Concrete coring for exhaust fan	\$1,440
Ceiling replacement	\$5,439
Contingency 8%	\$2,049
Total	\$27,660

Commissioner Lemel moved for approval of the continuation of the Community Services HVAC replacement phase 5 using Horizon and Trane equipment with the project to be funded by monies previously approved by the Board of Commissioners for the Community Services HVAC replacement project, seconded by Commissioner Chappell and unanimously approved unanimously.

AWARD ENGINEERING CONTRACT FOR GAIA HERBS/TOWN OF ROSMAN SEWER EXTENSION PROJECT

Assistant County Manager David McNeill presented this item. He reported that in 2017, the Transylvania Economic Alliance began working on a project to extend sewer from the Town of Rosman to Gaia Herbs. The Alliance hired an engineer to conduct a preliminary study. The preliminary cost estimate at that time was \$2.5 million. In 2019, the Alliance revisited the study and revised the cost to \$1.76 million by making changes to the pipe diameter and eliminating gravity flow by adding a force main (pressurized sewer pipe).

In February 2020, the County issued a request for qualifications for the engineering of the sanitary sewer line extension and received statements of qualification from six engineering firms. A team of County staff and the Mayor of Rosman reviewed the statements of qualification. Following the review, County staff met with High Country Engineering to examine the proposed project and the preliminary cost estimates and to clarify the project scope and financial responsibilities.

In May 2020, utilizing the report from 2019, the Board of Commissioners approved a budget for this project which included \$1.2 million from grant funds and \$404,250 from County funds. In August 2020, High Country Engineering produced a revised preliminary report. The updated report includes four route options. Some of the options require easements with the NC Department of Transportation (NCDOT). High Country Engineering consulted with NCDOT to identify the requirements for obtaining final approval to assist with preparing the cost estimate of the four route alternatives. Mr. McNeill reported that US Highway 64 is a limited access highway, thus NCDOT's standard for utility placement is within 10 feet of the right-of-way. However, NCDOT does allow utility placement in the shoulder of a limited access highway if financial hardship can be proven.

Below is a list of the alternative routes and estimated cost estimate for each:

Alternative	Description	Total Estimate
A	US 64 Shoulder (within ROW)	\$1,754,988
B	US 64 Shoulder + Secondary Roads	\$2,038,843
C	US 64 within 10ft of ROW Fence	\$2,100,363
D	US 64 within 10ft of ROW Fence +Secondary Roads	\$2,142,853

The updated preliminary report also clarifies connection and the location of the pump station. There was confusion in the report about the County's responsibilities versus Gaia Herbs'. In addition, the project

requires conveyance of some property for construction of a pump station and the conveyance has been approved.

The Town of Rosman's preferred route, as recommended by the engineer, is Alternative A. It is also the economical route. This will be presented to NCDOT as the recommendation and to begin the process for obtaining the necessary easements.

The updated preliminary cost report estimates the total project will be \$1.9 million which includes Gaia Herbs' portion assessed at \$175,000. Gaia Herbs is responsible for the cost of any construction that occurs on their property. This includes the upfit of their existing system to a pump station and connecting the force main from their property to the Town of Rosman's line. The project will also be covered by a grant from NC Industrial Development Fund for \$880,750 and another \$300,000 from the Appalachian Regional Commission. This leaves the County's appropriation to balance the project cost at \$574,238. The Board previously set aside monies for this project. The difference in the previous set-aside and the new estimate is \$169,988.

The next step is to award the engineering contract. The selected engineering firm will be tasked to obtain approval from NCDOT for Alternative A, design the sanitary sewer line, obtain all necessary permitting, right of way and easement agreements, and perform construction observation. County staff and Town of Rosman Mayor recommend awarding the contract to High Country Engineering because they have demonstrated the qualifications and ability to complete the necessary work for this project.

The estimated timeline allows until November to obtain the approvals from NCDOT, with the engineering design to be completed in January. If these dates are adhered to, the bid process could begin in February 2021 with a tentative construction project in May 2021. Estimated project timeframe for complete is 12-18 months.

Mr. McNeill noted if Alternative A is not approved, staff will come back before the Board for guidance. The cost range among the alternatives is significant. In addition, staff will work with the Town of Rosman to a tentative agreement for them to assume the property, the force main and the pump station, and the maintenance of it once the project is complete.

Commissioner Guice asked who is responsible for the line after Gaia Herbs connects to the Town of Rosman. Mr. McNeill reported that Gaia Herbs will maintain anything on their property, including their pump station and the force main until it reaches Rosman's line. Rosman will assume ownership of the force main and pump station from there to where it connects to their existing system.

Commissioner Dalton asked if any contingency had been put in place for traffic control or timing during construction of the project. Mr. McNeill stated this was one of the issues identified in the initial assessment. In the initial assessment there were no contingencies budgeted to account for this. Those costs are now budgeted in the project estimate. Nighttime work could be considered because under Alternative A, the construction will take place on a frequently used highway. Nighttime work will cost additional.

Commissioner Guice recalled information presented by the Manager related to legislative changes regarding who might ultimately be responsible for these types of systems when a city's or town's ability to maintain financial responsibilities becomes burdensome. He wondered if the County would eventually and ultimately become responsible for the system. The Manager stated the responsible entity would be the Town of Rosman. The State law change specifically looks at water and sewer systems from a regulatory standpoint but also from a long-term financial viability standpoint. If a system is red-flagged due to potential inability by an entity to maintain it financially, the State could intervene. Some counties across the State that have small water and sewer systems have had their systems overtaken by the State. However, the Manager was not in a position to say whether the Town of Rosman's financial status would

cause the County to fear an intervention. The Town must comply with State laws, as does the City of Brevard.

Commissioner Lemel asked, with this investment and the potential for growth over the next 10-20 years, and the desire to have a four-lane highway between Brevard and Rosman, if the placement of the lines within the 10' buffer and under concrete was considered a barrier to that growth. Mr. McNeill said the line is intended to be installed on the right side of the road going from Brevard to Rosman. All buildout is expected to be on the opposite side of the road.

Commissioner Lemel moved to approve that staff have the ability to contract with High Country Engineering for the sanitary sewer extension project engineering, and that we appropriate an additional \$169,988 from the economic development fund balance to the sanitary sewer project. She also moved to instruct staff to work with High Country Engineering and NCDOT to obtain all approvals needed to design Alternative A with the understanding that if Alternative A is not approved by NCDOT, staff will hold on additional engineering work until the Board of Commissioners is informed and provides further direction, seconded by Commissioner Guice.

Commissioner Chappell stated this project is probably one of the most impactful items that Transylvania County has considered for its long-term future. It will have generational impacts to the community. Commissioner Lemel agreed, and noted it is not only an economic investment, but it will also allow property owners with failing drain/septic fields the ability to tap into this line so they can stay on their property. Commissioner Dalton acknowledged all the extensive work conducted by the Alliance to bring this project to fruition. He thanked Rosman Mayor Brian Shelton for being willing to work with the County and Gaia Herbs on this project. To Commissioner Guice's point about financial viability, Commissioner Dalton reported that at their last meeting, the Rosman Board of Aldermen adjusted their water rates which allowed them to apply for a \$2 million grant to upgrade their pump system at the water and sewer plant. Mr. McNeill added that the Town has additional plans to add a gravity feed from the Harmony Korner convenience store so they can service that area as well. They will do this concurrently with the Gaia Herbs extension. **The motion was approved unanimously.**

MANAGER'S REPORT

The Manager reported the following:

- Manager and Clerk met with County Commission candidates not currently seated
 - Reviewed government structure, Dillon's Rule, various statutes
 - Shared six-month departmental reports and list of topics related to County programs
 - All candidates not currently seated took advantage of opportunity to meet with staff
- NCACC encouraging all counties to prepare, adopt and submit their legislative goals for consideration
 - Process gives all counties a voice in developing the NCACC's legislative agenda
 - Goals due by September 30
 - Tentatively placed on September 14 agenda for consideration and possible adoption at same meeting or on September 28
- Maintenance staff has been mowing the park property on Gallimore Road; the County-owned property is open for use by the public and offers a nice walk by the French Broad River
- Deadline to participate in 2020 US Census is September 30!!!
 - 80 counties in NC considered rural, correlating highly with NC's lowest census response areas
 - 3% undercount would cost NC a loss in more than \$4 billion in federal supporting/funding
 - Planning and Community Development working through Dogwood Trust grant opportunity to increase response; working throughout count to get the word out

- County Commissioners' workshop scheduled for Wednesday, September 2 at 4:00 pm to discuss future of Solid Waste; will discuss the possibility of permitting a new cell in the future, if that is the direction of the Board
- Elections Director Jeff Storey will give an update on the upcoming general election at the September 14 meeting; lots of interest about mail-in ballots
- Friends of the Library Fall book sale has been cancelled due to COVID
- Ninja Fitness Course completed but remains closed due to Governor's Executive Order related to COVID-19
- NCACC Fellow Brian Farmer begins on September 8; he will be working on various projects – most notably standard operating procedures for Finance functions and training opportunities for department heads and staff on finance operations
- There are several retirements coming up this fall
- Kudos!
 - Kenn Webb & the Solid Waste Department for being awarded the Innovation Award by the LGFCU and NCACC for their fungi demonstration project
 - Mike McKinney in IT and Ken Corn with WLOS for creating professional video for award presentation during NCACC Annual Conference. Transylvania County's video was by far the best! (the video was shown at this time)
 - Ken Corn working on a feature of the Transylvania County Solid Waste Department for coverage by WLOS
 - DSS Director Darrell Renfroe will retire from Transylvania County effective August 28. We wish him the best!
 - From Interim Planning & Community Development Director Allen McNeill to Maintenance staff for helping with the move for the HVAC replacement project and to IT Department for setting up Zoom meetings to accommodate all planning-related committee meetings
 - Parks and Recreation for their work on getting the day camps up and running while facing adversity dealing with complex orders and competing organizational rules
 - TC Schools for navigating through complex policies to restart schools
 - Health Department working overtime on behalf of the community to prevent the spread of COVID-19, specifically with our congregate living facilities
 - Tax Administration for achieving an awesome tax rate and for working hard to ensure we have the funds to do our jobs effectively and provide the services citizens need and demand
 - To Board of Commissioners and Mike McKinney in IT from Brevard City Council and City Clerk for allowing the use of Commissioners Chambers for their Council meetings and accommodating the livestreaming efforts
 - Congratulations to Sheriff David Mahoney for his election as President of the NC Sheriff's Association during the 98th Annual Business Conference held in Wake County! We are proud of him and we know he will do a great job!

The Manager wrapped up by saying her report was exceptionally long tonight, but it because we have exceptional staff that are dedicated to their jobs and serving the community.

PUBLIC COMMENT

The comments made by the public represent the individual speaker's opinion or point of view. No attempt was made to vet their statements for accuracy or modify them based on facts.

Judith West: Ms. West added more information about a contract versus full-time attorney. She stated the DSS Board has not been involved in these discussions because the DSS attorney reports to the Board of Commissioners. However, the DSS Board is very aware of the changes that have come because of having

a full-time attorney on staff. The previous DSS Attorney was able to establish good working relationships with other attorneys. The Clerk of Court was very complimentary of her work. This is a much different relationship than a contract attorney who is paid by the hour. A full-time staff attorney gives the department consistency which has been very valuable. She encouraged the Board to move forward with getting their questions answered, but she said from the perspective of the DSS Board, they supported the Board remaining with in-house counsel with contract backup.

COMMISSIONERS' COMMENT

Commissioner Dalton responded to Mr. McMinn's emailed comments from the beginning of the meeting, he reported the Transylvania Economic Alliance, about five years ago, commissioned a private contractor that specializes in historic renovations to estimate the cost of renovating the current facility which came in at about \$20 million. It would solve a great need in the community for meeting spaces, downtown lodging, or restaurants, and provide additional parking to the public.

Commissioner Lemel asked the Clerk in advance of the September 14 to send the Board a copy of Chapter 9 in the Social Services handbook so they would have all the options in front of them to consider.

Commissioner Guice felt there is a great deal of potential use for the Courthouse. This Board has the responsibility of funding education and there has been discussion about using the facility for that purpose. There is potential use for expansion of Town Hall and potential revenue-producing opportunities. He agreed there needs to be a plan for the future of the building.

Commissioner Guice asked for a report at the next meeting from the Health Director on the status of COVID in the community. He is concerned about the increase of positive cases.

Commissioner Guice also asked the Board to give some consideration as to whether Commissioners want to continue meeting in this format, especially if the COVID positive numbers continue to increase. He is trying to be extremely cautious because he serves as caregiver to his elderly parents.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Lemel moved to adjourn the meeting at 9:30 p.m., seconded by Commissioner Guice and unanimously approved.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board