

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
December 13, 2021 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, December 13, 2021 at 4:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

Commissioners present were Larry Chapman, Chairman Jason Chappell, Vice-Chairman Jake Dalton, David Guice, and Teresa McCall. Also present were County Manager Jaime Laughter and Clerk to the Board Trisha Hogan. County Attorneys Julie Hooten and Patrick Scott participated remotely via Zoom meeting software.

Media: Dan Dewitt – *Brevard Newsbeat*
 Alex Perri – *The Transylvania Times* (participated remotely)

There were approximately 50 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 4:01 p.m.

WELCOME

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

APPROVAL OF MINUTES

NOVEMBER 8, 2021 REGULAR MEETING & SEALED CLOSED SESSION

At the first regular meeting in December of each odd-numbered year, the first order of business shall be the approval of the minutes. The Board of Commissioners met in regular session on Monday, November 8, 2021 and followed met in closed session in which the minutes were sealed.

Commissioner McCall moved to approve the minutes as submitted, seconded by Commissioner Guice, and unanimously approved.

ELECTION OF OFFICERS

At the first regular meeting in December of each odd-numbered year, the second order of business shall be the election of the Chair and Vice-Chair for the ensuing year, per N.C.G.S. § 153A-39.

CHAIR

The Clerk to the Board called for nominations for the chair.

Commissioner McCall nominated and moved to elect Commissioner Jason Chappell as chair, seconded by Commissioner Guice. There were no other nominations. **Commissioner Chappell was elected chair by unanimous vote.**

The Clerk to the Board turned the meeting over to Chairman Chappell.

VICE-CHAIR

Chairman Chappell called for nominations for vice-chair.

Commissioner Guice nominated and moved to elect Commissioner Jake Dalton as vice-chair, seconded by Commissioner Chapman. There were no other nominations. **Commissioner Dalton was elected vice-chair by unanimous vote.**

PUBLIC HEARINGCRIMINAL JUSTICE REFORM LEGISLATION – BUILDINGS, CONSTRUCTION, AND RELATED ACTIVITIES

The Manager presented the information for the public hearing. The North Carolina Legislature made changes to the law regarding penalties for violation of local ordinances. Prior to the new law scheduled to go into effect on December 1, ordinances that did not specify the criminal penalty for violation automatically qualified as a misdemeanor. The new law requires that the ordinance specify the penalty imposed. It reads:

Except for the types of ordinances listed in subsection (b1) of this section, violation of a [county/city] ordinance may be a misdemeanor or infraction as provided by G.S. 14-4 only if the [county/city] specifies such in the ordinance. An ordinance may provide an express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

The County Attorney reviewed the County's ordinances to determine those that require changes to comply with N.C.G.S. § 154A-123. The law required a first reading of those changes, which was done at the November 8 Board of Commissioners' meeting. The Board may approve the changes during this meeting, and it is an agenda item under Old Business for the Board's consideration.

The changes to the building code ordinance require a public hearing. The other remaining changes do not require a public hearing. Staff properly advertised for the public hearing. The change to the ordinance reads:

Buildings: Construction and Related Activities

- The ordinance fails to mention §14-4.
 - Mentions misdemeanor.
- Amend to:
 - 4-76-Any violation of this article or failure to comply with any of its requirements shall constitute a misdemeanor pursuant to North Carolina General Statute §14-4. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in sections 1-8 and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county from taking other lawful action as is necessary to prevent or remedy any violation. (Ord. of 3-27-95)

Chairman Chappell opened the public hearing at 4:05 p.m. There were no comments from the public and thus **Chairman Chappell closed the public hearing at 4:06 p.m.**

The Board will consider approval of the building code ordinance change under Old Business, as well as the other recommended changes presented on November 8.

PUBLIC COMMENT

The comments made by the public represent the individual speaker's opinion or point of view. The Clerk to the Board did not attempt to vet their statements for accuracy or modify them based on facts.

Bruce Gleasman: Mr. Gleasman addressed the Board regarding the County's budget. He reminded the Board that during the budget process in May/June he advocated for no new property taxes and a reduction in the County's budget by 2%. He complained about the increase in the County's budget while the population growth remains low. Mr. Gleasman requested the Board review the budget mid-year. He also commented on grants and other funds coming into the County from the opioid lawsuit, CARES Act, sales tax, etc., and felt that his property tax rate should do down accordingly. He questioned how these funds were being used. Mr. Gleasman offered suggestions for holding court proceedings – using virtual meeting software and converting Commissioners' Chambers into a courtroom – to avoid having to enact another tax increase for a new courthouse.

Eddie Platt: Mr. Platt addressed the Board about the noise ordinance and garbage and junk around people's houses. He shared that he read something in the local newspaper about citizens being fined for excessive trash on their property and he wanted to know if the Board of Commissioners intended to enforce the same within the unincorporated areas of the County. Mr. Platt also inquired about the enforcement of the County's noise ordinance and shared that he was recently arrested for making too many complaints to the Sheriff's Office about excessive noise late at night. He said the noise and the amount of trash are unbearable and he asked the Board for their help.

AGENDA MODIFICATIONS

Chairman Chappell requested to remove Item XIV.C Closed Session per N.C.G.S. § 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Commissioner Chapman moved to approve the agenda as modified, seconded by Commissioner Dalton, and unanimously approved.

CONSENT AGENDA

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

The following items were approved:

MINUTES

The Board of Commissioners met in regular session on June 21, 2021, which included a public hearing on the FY 22 Budget and following met in closed session in which the minutes were sealed. The Board of Commissioners met in regular session on July 26, 2021 and following met in closed session in which the minutes were sealed. The regular meeting minutes have already been approved. The Board needs to approve the sealed closed session only. The minutes were approved a submitted.

CANCELLATION OF 2ND MEETING IN DECEMBER

Staff recommended the Board of Commissioners cancel the December 28 regular meeting. Transylvania County offices are closed for the Christmas holiday December 23-27. There is no pressing business and staff would like to utilize vacation time during the holiday season before the next meeting which is scheduled for January 10 at 4:00 p.m. The Board cancelled the December 28 Board of Commissioners' meeting and instructed the Clerk to post and publish appropriate notice.

DISCOVERY, RELEASE, AND 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 also 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 October 2021, tax dollars released totaled \$1,296.74 and refunds amounted to \$1,908.38. For November 2021, refunds totaled \$1,487.15. The Board approved the Discovery, Release, and Monthly Settlement Report for October 2021 and refunds only for the November 2021 Report.

REQUEST FOR COUNTY TRANSPORTATION TO AMEND FY 20 CARES GRANT APPLICATION TO APPLY FOR ADDITIONAL FUNDING

CARES Act grants are available to rural and small urban public transportation systems to continue providing services and assist with operating expenses for items including staff, supplies, and other related operating expenses. The CARES Act grant is 100% federally funded and requires no local match.

Transylvania County Transportation received an initial disbursement of \$181,922 with the FY 20 CARES Act Operating Funds grant application. The department also received a second disbursement of CARES Act Operating Funds totaling \$209,654. In November 2021, the department was approved to receive a third disbursement of \$115,562 which will require an amendment to the original application. The period of performance will also be extended through June 30, 2023.

The Board granted the staff's request to waive the local Grants and Financial Management Procedure Requirements and for Transylvania County Transportation to amend the FY 20 CARES Act Funding application to apply for additional funding which requires no local match.

TRANSYLVANIA PUBLIC HEALTH REQUEST FOR SUBMISSION OF DELTA DENTAL FOUNDATION GRANT

The Health Department's Healthy Smiles Program provides preventive dental education, training, and dental care supplies to preschools and elementary schools. The agency has received grants from the Delta Dental Foundation since 2014 to support the important preventive work of the program.

The 2022 Healthy Smiles supply budget includes funds for the following for a total of \$2,400:

- Preschool Program
 - Brushing Supplies- \$900 (Toothbrushes, Toothpaste, Toothbrush Racks, Cups)
 - Education Supplies- \$100 (Books, Brochures, Activity Supplies)
- Elementary Program
 - Brushing Kits- \$1000 (Boxes, Toothbrushes, Toothpaste, Floss, Timers)
 - Education Supplies- \$100 (Books, Brochures, Activity Supplies)
 - Screening Supplies- \$100 (Gloves, Masks, Face Shields, Tongue Depressors, Stickers)
- Community Outreach- \$200 (Brochures, Giveaways, Display Supplies)

The Board approved the submission of the Delta Dental Foundation grant as requested.

INTENT TO DONATE SURPLUS FOOD WARMER TO ROSMAN HIGH SCHOOL

N.C.G.S. § 160A-280 allows the County to donate any surplus property to a nonprofit organization incorporated in the United States. The Sheriff's Office is no longer using a food warmer. The County Manager has declared the food warmer as surplus. Before donation, the County must post a public notice of its intent to donate the property and then adopt a resolution donating the property at another meeting. The Board authorized the posting of a notice of the Board of Commissioners' intent to donate a food warmer to Rosman High School.

PRESENTATIONS/RECOGNITION

RECOGNITION BY SONS OF THE AMERICAN REVOLUTION – AMERICAN FLAG APPRECIATION AWARD

The Sons of the American Revolution recognized the Board of Commissioners for their efforts to properly display and care for the American flag by presenting them with a framed certificate of appreciation.

RECOGNITION OF OUTGOING CITIZEN ADVISORY COUNCIL MEMBERS

The Board of Commissioners implemented a recognition program to express their appreciation to citizens who volunteer their time and expertise on the County's many citizen advisory councils. The Board recognizes citizens on a semi-annual basis. This period covered July 1, 2021-December 31, 2021. Chairman Chappell presented each person in attendance with a certificate of appreciation and a coffee mug with the County logo and thanked them for their volunteer service to the County. The Clerk to the Board will mail certificates to those citizen volunteers who are unable to attend.

Tracie Trusler	TC Tourism Development Authority
Sylvia Petit	TC Council on Aging
Jared Mull	TC Council on Aging
Karleen Booth	Nursing & Adult Care Home Advisory Committee
Stacey Gash	Board of Health
Linda Tompkins	Board of Health
Grant Bullard	TC Tourism Development Authority
Chris Strassner	Brevard Planning & Zoning Board
Leigh Huffman	Joint Historic Preservation Commission

2021 COUNTY EMPLOYEES SERVICE AWARDS

County employees are not gathering for the end-of-year celebration due to COVID, so staff requested to present the 2021 Service Award recipients during a Board of Commissioners' meeting to recognize employees who have been with the County for over five years. The Board expressed gratitude for all employees who have continued to deliver services throughout the pandemic, and especially to those who have chosen to make a career out of their employment with Transylvania County.

The Board of Commissioners recognized the following employees for their years of service to Transylvania County.

5 Years	Jason Massey	Building	10 Years	Cameron Sexton	Communications
	Sarah Willix	Social Services		Paula Piercy	Health
	Kristen Gentry	Health		Tosha McKinney	Child Development
	Kelly McBride	Library	Mandi Bentley	Parks and Rec	
	James Anders	Solid Waste	15 Years	Rhonda Smith	Housekeeping
	Carla Long	Transportation			Facilities
	Geoff Bishop	Sheriff's Office		Larry Reece	Superintendent
	Jonathan Griffin	Finance		Matthew "Chase" Owen	Investigations
	Kimberly "Annette" Shipman	Health		Jacqueline McCall	Tax
	Velina Netherton	Health		Bobby "Scott" Thomas	SRO
	Nicole Ramirez	Social Services		Frank Pearsall	Veteran Services
	Lisa Moss	Housekeeping		Shana Norris	Social Services
	Scott Justus	Fire Marshal			
Barbara Hall	Animal Services				

20 Years	Jennifer Greene	EMS	25 Years	Jeffrey Davis	Maintenance	
	Robbie McCall	Maintenance		Gary Galloway	Sheriff	
	Pamela Harbin	Investigations		Paulette Wall	Tax	
	Karin Smith	Register of Deeds		Karen "Lisa" Sheffield	Library	
	Neill Cagle	Environmental Health		Brian Powell	EMS	
	Mark Greene	EMS		Kenneth Hyatt	Building	
	Bradley "Corey" Mason	EMS		Sylvia Ann Trujillo Petit	Social Services	
	Joseph Wiggins	Solid Waste		Carla Owens	Social Services	
	Melinda McCrary	Child Development		30 Years	Cynthia Ownbey	Register of Deeds
	Jim Boyer	Environmental Health			Sheila Cozart	Human Resources
	Joshua Shelton	EMS		35 Years	Christy Stansel	Finance
	Gregory Stroup	SRO				

COVID-19 UPDATE

The Manager gave the COVID-19 report on behalf of Transylvania County Public Health Director Elaine Russell. This is a summary of her presentation:

- In Transylvania County:
 - 54% fully vaccinated (18,448)
 - 55% partially vaccinated (19,023)
- TPH has given: 21,702 total doses of COVID-19 vaccines
 - 11,889 first doses
 - 7,830 second doses
 - 1,983 third/booster doses
 - 13,504 doses of Moderna
 - 4,159 doses of Pfizer
 - 4,039 doses of Janssen (J&J)
- Boosters are recommended by CDC for everyone ages 18+ who were fully vaccinated with Pfizer or Moderna at least six months ago or who received J&J at least two months ago
- Pfizer boosters are now recommended for ages 16+ who were fully vaccinated at least six months ago
- TPH offers COVID-19 vaccines and boosters in the office Monday-Friday, 8:30 am-11:15 pm and 1 pm-4:15 pm
 - Single doses of Johnson & Johnson for ages 18+
 - 1st and 2nd doses of Pfizer for ages 5+
 - 1st and 2nd doses of Moderna for ages 18+
 - Additional doses of Pfizer and Moderna for immunocompromised people
 - Pfizer booster for ages 16+ and fully vaccinated for 6+ months

- Moderna booster (½ dose) for ages 18+ and fully vaccinated for 6+ months
- Johnson & Johnson booster for ages 18+ and vaccinated for 2+ months
- In Transylvania County
 - 60 new cases were reported in the past 7 days
 - 25% (15) of the 60 are 0-17 years of age
 - 17% (10) of the 60 are 0-11 years of age

APPOINTMENTS

REVIEW OF COUNTY COMMISSIONER APPOINTMENTS

County Commissioners serve on a variety of boards and committees. The Clerk provided a current list of Commissioner appointments and requested Commissioners review for accuracy and determine if they want to continue serving in their current capacities. This item will be placed on the agenda for the first meeting in January for action.

Board/Committee	Authority	Meeting Schedule	County Commissioner Appointment
Board of Health	NCGS 130A-35 11-member board to include appointment of a county commissioner who shall serve as long as the member is a county commissioner	2 nd Monday of each month at 6pm in the Community Services Building Conference Room	David Guice
Juvenile Crime Prevention Council	NC 143B-846 Membership shall not exceed 26 members and shall include the appointment of a county commissioner	3 rd Friday of each month at 8am at the Morris Education Center	Jake Dalton
Personnel Board	County resolutions of 1988 and 1997 require appointment of a county commissioner	4 th Wednesday of the months of February, May, August and November at 3:30pm in County Administration Building Conference Room	Jake Dalton
Social Services Board	At request of Board of Commissioners and allowed per NCGS 108A4 and NCGS 108A-5. Appointment is a county commissioner appointment and does not have to be a county commissioner	4 th Wednesday of each month at 3:30pm in the Social Services Building Conference room	Page Lemel*

Transylvania County Tourism Development Authority	County resolution of 1986 and all amended resolutions require appointment of a county commissioner	4 th Thursday of each month at 8:30am, in the Brevard/Transylvania Chamber of Commerce Conference Room	David Guice
Work First Planning Committee	NCGS 108-27	As needed	Jason Chappell
Land of Sky Regional Council – Primary and Secondary Member	Normally the Board Chair serves as the primary member and the Board Vice-Chair serves as the secondary member, but it is not required	4 th Wednesday of each month at 1 pm at the Land of Sky Regional Council, except November and December. The November meeting is normally cancelled. The December meeting is held on the 1 st Wednesday of the month	Primary-Jason Chappell Secondary-Larry Chapman
Land of Sky Rural Planning Organization (RPO)	Regional Planning Agency	Called by RPO	Larry Chapman
French Broad Metropolitan Planning Organization (MPO)	Regional Planning Agency	Called by FBRMPO	Larry Chapman

BOARD OF HEALTH

The terms of Stacey Gash (General Public filling Dentist position), Linda Tompkins (Nurse), and David Guice (County Commissioner) expire at the end of December. Stacey Gash served as a member of the General Public due to there being no applicant from a local dentist. She has been unable to fulfill the duties of the position due to work conflicts. Linda Tompkins is eligible to serve one additional term, but she has elected not to do so. Commissioner Guice is eligible to serve in his role as County Commissioner.

The Clerk to the Board received one application for the Dentist position from Dr. Sim Cozart. Ms. Russell recommended his appointment to replace Stacey Gash effective January 1, 2022. Staff recommended the Board reappoint Commissioner Guice to serve another year. This appointment will be considered at the first meeting in January.

The Clerk to the Board will advertise and recruit for the Nurse position that will be vacated by Ms. Tompkins on December 31, and the Professional Engineer position that remains vacant.

Commissioner Chapman moved to appoint Dr. Sim Cozart to replace Stacey Gash effective January 1, 2022, seconded by Commissioner Guice and unanimously approved.

TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY

Grant Bullard's (Accommodations Owner/Operator) term on the Transylvania County Tourism Development Authority (TCTDA) expires December 31, 2021. He has served two full terms and is not eligible for reappointment. There is also a vacancy on the TCTDA with the recent resignation of Tracie Trusler.

Clark Lovelace, Executive Director of the Transylvania County/Brevard Chamber of Commerce and TCTDA submitted a letter of recommendation to the Board of Commissioners requesting the appointment of Paulette Todd to replace Grant Bullard at the end of his term in the Accommodations Owner/Operator position. Mr. Lovelace also recommended the appointment of Mike Hawkins to fill the vacant Interested Individual position.

In addition, County Commissioner David Guice's term expires on December 31. Staff recommended his reappointment unless another County Commissioner wishes to serve in this role. The Board will consider this appointment at the first meeting in January.

Commissioner Guice moved to appoint Paulette Todd to replace Grant Bullard at the end of his term and Mike Hawkins to fill the vacant Interested Individual position, seconded by Commissioner Chapman.

Commissioner McCall nominated and moved to appoint Isaac Allen for the vacant Interested Individual position, seconded by Commissioner Dalton.

Paulette Todd was appointed unanimously.

Mike Hawkins was not appointed by a vote of 2 to 3, with Chairman Chappell and Commissioners Dalton and McCall voting against.

Isaac Allen was appointed by a vote of 3 to 2, with Commissioners Chapman and Guice voting against.

VAYA HEALTH COUNTY COMMISSIONER REGIONAL BOARD

On October 13, 2021, the Vaya Health County Commissioner Advisory Board passed a resolution that authorizes Vaya Health to proceed with establishing an alternative board structure, which was approved by the NC Department of Health and Human Services (DHHS) Secretary. The new structure would establish four regional boards appointed by the boards of county commissioners for each county in the region, and for those regional boards to each appoint two members to the governing board, along with four CFAC members, one member appointed by the DHHS Secretary, and up to eight at-large members appointed by the current Vaya Health governing board. Commissioner McCall currently represents Transylvania County on the Vaya Health County Commissioner Advisory Board under the current structure and was appointed by the Board of Commissioners on November 8 to serve on the regional board.

At that time, Commissioners instructed staff to engage other interested individuals about serving as the Board's 2nd appointment. Department of Social Services (DSS) Director Amanda Vanderoef is interested in serving in this role.

In addition, Commissioner McCall informed staff about the interest of Jami Reese in serving on this board. She is a nurse that is currently employed by Vaya but she was unable to confirm whether her service would be a conflict of interest.

Commissioner McCall moved to appoint DSS Director Amanda Vanderoef to the Vaya Health County Commissioner Regional Board, seconded by Commissioner Guice and unanimously approved.

OLD BUSINESS

IMPLEMENTATION OF CRIMINAL JUSTICE REFORM LEGISLATION

The NC State Legislature enacted new laws related to penalties for the violation of local ordinances. The new law goes into effect on December 1. Before the new legislation, ordinances that did not specify the criminal penalty for violation automatically qualified as a misdemeanor. The new law requires that the ordinance specify the penalty imposed.

County Attorney Patrick Scott conducted a review of the County's ordinances to determine which ones require amendments to comply with N.C.G.S. § 154A-123. At a previous meeting, the Board directed staff specifically on the penalties desired in the Abandoned Motor Vehicles ordinance.

Statutes require local governments to notice and conduct a public hearing on amendments to building code ordinances which occurred at the beginning of this meeting. None of the remaining changes necessitate a public hearing. The details of the changes to each ordinance are described below:

Ordinance	Noncompliance Issue	Recommendation
Abandoned Motor Vehicles	It is unlawful to abandon a vehicle but does not prescribe criminal punishment.	If the county wants to do prescribe a punishment, it must state so within the ordinance If a civil penalty is desired: Any act constituting a violation of the provisions within this code of ordinances or a failure to comply with any of its requirements

		<p>shall subject the offender to a civil penalty of \$100 for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of the debt.</p> <p>If a criminal penalty is desired:</p> <p>Any violation of the provisions within this code of ordinances or a failure to comply with any of its requirements shall constitute a misdemeanor according to North Carolina General Statute §14-4. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county from taking other lawful action as is necessary to prevent or remedy any violation.</p> <p>Can be combined to prescribe civil and criminal penalties</p>
Buildings: Construction and Related Activities	<p>The ordinance fails to mention §14-4.</p> <p>Mentions misdemeanor.</p>	<p>Amend to: 4-76-Any violation of this article or failure to comply with any of its requirements shall constitute a misdemeanor under North Carolina General Statute §14-4. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in sections 1-8 and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county from taking other lawful action as is necessary to prevent or remedy any violation. (Ord. of 3-27-95)</p>
Emergency Management	<p>The ordinance fails to mention §14-4.</p> <p>Mentions misdemeanor.</p>	<p>Amend to: Unless otherwise provided by law, it shall be a misdemeanor under North Carolina General Statute §14-4 for any person to violate any of the provisions of this Chapter, proclamations, or plans issued under the authority contained in this Chapter, or to willfully obstruct, hinder, or delay any member of the emergency management organization in the enforcement of this Chapter or any proclamations or plans issued according to this Chapter.</p>
Flood Damage Prevention	<p>The ordinance fails to mention §14-4.</p>	<p>Amend to: Article 3-Section H. <u>PENALTIES FOR VIOLATION</u>-Violation of the provisions</p>

	Mentions misdemeanor.	<p>of this ordinance or failure to comply with any of its requirements, including violation of the conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor under North Carolina General Statute §14-4. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Transylvania County from taking such other lawful action as is necessary to prevent or remedy any violation.</p> <p>Article 4-Section D. <u>CORRECTIVE PROCEDURES</u> (5) Failure to Comply with Order-If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor under North Carolina General Statute §14-4 and shall be punished at the discretion of the court.</p>
Garbage, Trash, Weeds, and Junk	<p>The ordinance fails to mention §14-4.</p> <p>Mentions misdemeanor.</p>	<p>Amend to: Section 8-18(e)- In addition to, or lieu of, the civil penalties described herein, violations of this article may be prosecuted as criminal misdemeanors under North Carolina General Statute §14-4. In the case of criminal violations, each day a violation occurs or continues to occur shall be a separate offense and that person or firm in violation of this article shall be subject to a fine not exceeding fifty dollars (\$50.00) and imprisonment not exceeding thirty (30) days for each offense, or both fine and imprisonment.</p>
Lodging Sales Tax	<p>The ordinance fails to mention §14-4 but does mention NCGS G.S. 105-236 which permits criminal penalty for not paying taxes or filing tax returns</p>	<p>Amend to: SECTION 7-23. Violations-A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties as a misdemeanor under North Carolina General Statute §14-4 and North Carolina General Statute §105-236 for failure to pay or file a return for state sales and use taxes. The board of</p>

		commissioners may, for good cause shown, compromise or waive the penalties imposed by this section.
Mass Gathering Ordinance	The ordinance fails to mention §14-4 Mentions misdemeanor.	Amend to: Section 5(B)-If there are applicable health, safety, or environmental violations, then the County may recommend and enforce criminal prosecution against the event sponsor and/or attendees or invitees, as allowed under the laws of the State of North Carolina and the United States of America. Such violations shall constitute a misdemeanor under North Carolina General Statute §14-4. Section 9- In addition to the remedies noted above in Article 5 above, the following penalties may be assessed against any person or entity who willfully holds mass gatherings (or willfully fails to perform any requirement of this ordinance) as defined herein (or who holds an ineligible mass gathering): <u>finer up to \$500 and/or imprisonment of up to 30 days</u> . Any person who willfully violates this ordinance shall be guilty of a misdemeanor under North Carolina General Statute §14-4. <i>(The fine was reduced from \$5,000 and the imprisonment was reduced from 60 days to comply with §14-4, which limits punishment of ordinance violations to \$500/30 days of jail)</i>
Noise Control Regulations	The ordinance fails to mention §14-4. Mentions misdemeanor.	Amend to: Article VII(A)-Criminal penalties: Any Deputy Sheriff of Transylvania County, having first investigated this matter, under Article VI above, may obtain criminal process for violation of this Ordinance. A violation of any Ordinance provision shall constitute a Class 3 misdemeanor under North Carolina General Statute §14-4 and may be punished by a fine in the discretion of the Court, up to a maximum of \$500 per offense
Registered Sex Offenders, Prohibition on County Park	The ordinance fails to mention §14-4 This ordinance supplements the North Carolina State Statute §14-208.18 which already criminalizes this behavior	Amend to: Anyone who is found in violation of this ordinance shall be subject to a fine of not less than \$500.00 per offense and/or thirty (30) days in jail. Each entrance into a park, recreation facility, or county-owned childcare facility, regardless of the time involved, shall constitute a separate offense under this ordinance. Any person who violates this ordinance shall be guilty of a misdemeanor under North Carolina General Statute §14-4.

Road Naming Ordinance	<p>The ordinance fails to mention §14-4.</p> <p>Mentions misdemeanor.</p>	<p>Amend to: 16. Enforcement- After the effective date of this ordinance, any person, firm, or agent thereof who intentionally violates this ordinance shall be guilty of a misdemeanor under North Carolina General Statute §14-4, for the conviction of which, the maximum penalty by law may be imposed. Each day's continuing violation is a separate and distinct offense. Owners or occupants of buildings already constructed which do not comply with this ordinance will be notified and requested to meet these requirements within thirty (30) days from the date of the notification. A warning notice will be issued after sixty (60) days if the requirements have not been met. If the owner or occupant does not comply voluntarily with this ordinance within thirty (30) days of delivery of a warning notice by mail or by hand delivery to the building in violation, enforcement action under NCGS 153A-123 may be initiated.</p>
Sign Control Ordinance	<p>Ordinance fails to mention §14-4 and misdemeanor</p> <p>The ordinance is unclear if violations will be criminally enforced.</p>	<p>If criminal enforcement is desired, propose the following revision: SECTION 19: Penalties - Upon receipt of the Compliance Order, the Sign Enforcement Officer, County Attorney, <u>or a sworn member of the Transylvania County Sheriff's Office</u> may issue a citation imposing a <u>civil</u> penalty of not more than one hundred dollars (\$100.00) to the owner of the sign in question or to the owner of the record of the real property whereon the sign is located whenever the owner of the sign cannot be located and notified of said citation. Each twenty-four (24) hour period in which the violation exists shall constitute a separate violation. In addition to the above-described <u>civil</u> penalty, the county may criminally enforce <u>any violations of this Ordinance as a misdemeanor under North Carolina General Statute §14-4.</u></p>

Commissioners understood the requirements necessary to comply with the new legislation by the deadline of December 1 but expressed a desire to thoroughly review all the County's ordinances at a future meeting to ensure the penalties are appropriate and that the ordinances are being properly enforced.

Commissioner Guice moved to approve the changes to the ordinances as recommended, seconded by Commissioner McCall, and unanimously approved.

NEW BUSINESS

THE SHERIFF APP.COM PROPOSAL (THE SHERIFF APP LAW ENFORCEMENT INFORMATION SHARING MOBILE IOS AND ANDROID APP)

Lt. Chase Owen presented this item to the Board on behalf of Sheriff David Mahoney. He stated that communication is a challenge for local government and that the use of technology to reach citizens with accurate and relevant information can make law enforcement more effective and enhance the engagement of citizens.

In October at a Sheriffs conference, Lt. Owen had the opportunity to meet with one of the developers of the Sheriff App and speak to other Sheriffs using the platform. He presented information to the Board about the Sheriff App and proposed how to fund the purchase of it for the Transylvania County Sheriff's office.

The Sheriff App allows anyone with a smartphone immediate access to critical information. The App produces information about several different disciplines of the Sheriff's Office and provides critical information about incidents in the County. The App is fully customizable to include information the Sheriff's Office deems necessary for the public. Lt. Owen reported that several Sheriff's Offices in North Carolina and across the nation are using the App. Sheriff's Offices of all sizes have implemented the App to accomplish the mission of providing a fingertip link between the Sheriff's Office and the citizens.

The initial investment is \$34,250 for a fully customizable online App that will allow the Sheriff's Office to push out specific data to those citizens registered for the App. The initial investment cost will fund the project for three years, with a yearly integration and maintenance fee of \$6,500 thereafter. The initial investment also includes a campaign effort to encourage citizens to sign up.

Lt. Owen reported there is a multitude of lookup options available to the public with this App, such as information on inmates, sex offenders, tips, general news, urgent news, and most wanted, as well as recruitment and employment opportunities with the Sheriff's Office, an events calendar, and other custom opportunities. Additional effective use of this App will be to work in conjunction with the emergency text alerting software that Transylvania County currently utilizes. Emergency text alerts are not meant to provide all of the information about an incident or event, but critical information and a complete report can be sent out through this App. They could also partner with other law enforcement agencies/public safety agencies in Transylvania County, such as Brevard Police Department, Community Corrections (Probation/Parole), and Highway Patrol to push out information to the public. These agencies already work together to share information for public safety and this App could enhance that communication.

On behalf of Sheriff Mahoney, Lt. Owen requested Commissioners approve the use of the excess funds in the Sheriff's Office Tuition Reimbursement reserve. The program funding for three years will allow the App to be successful in gaining public usage and can be evaluated at the end of that term for effectiveness, usage, and consideration for future funding. There is approximately \$75,000 in the reserve line item.

Commissioners were supportive of using the App but requested an evaluation of its effectiveness after the initial three-year period to help them determine future funding.

Commissioner McCall moved to approve the use of tuition assistance reimbursement to fund the Sheriff App proposal for \$34,250, seconded by Commissioner Guice. In response to the Commissioners' questions about the viability of the budget line item, the Manager reported that there remain enough funds to cover any requests for tuition reimbursement. **The motion was unanimously approved.**

APPROVAL OF DOGWOOD HEALTH TRUST FUNDING – “SAVING LIVES FROM SUBSTANCE MISUSE”

The C.A.R.E Coalition requested approval to apply for a Dogwood Health Trust grant in September that would help to further the opioid response work of the Coalition and provide information on the sustainability and cost of programs that Commissioners may implement using the opioid settlement funds. The staff has already received notification that the grant application was approved.

The C.A.R.E. Coalition is committed to the prevention and reduction of substance and opioid misuse in the community. The C.A.R.E. Coalition has completed a thorough gap/needs assessment and led a strategic planning process with community partners to improve treatment and recovery systems for substance use and opioid use disorder.

Several priorities and secondary strategies emerged from this process, representing a comprehensive picture of what it will take to meaningfully address substance misuse. The grant will help lay foundations for establishing these community-wide improvements in treatment and recovery systems, as identified in the strategic action plan. The grant allows for the Coalition to start implementing this plan by coordinating community and workforce training around substance use and opioid use, advocating for the expansion of medication-assisted treatment and behavioral health services, systematically researching successful rural models for evidence-based, systems-level interventions, coordinating and collaborating with neighboring coalitions to implement a regional substance use campaign, and developing cost and process implementation plans for the eight identified strategies. These strategies center around education, building capacity, and expanding partnerships in preparation for leveraging future opportunities.

The Board of Commissioners has agreed to the Memorandum of Understanding for the North Carolina Opioid Settlement. Provided that all counties and municipalities with over 20,000 residents agree to the same, the County may receive settlement funding that will allow the work to commence to mitigate the impacts of the opioid crisis in Transylvania County. Dogwood Health has issued requests for proposals to counties that apply for funds so they can be ready to prioritize the use of those funds once they are finalized. Transylvania County is expected to receive about \$181,000 annually in opioid settlement payments over 18 years.

This project will cultivate community and workforce commitment for meaningful and efficient progress in the County’s efforts to reduce substance and opioid use, positioning us as a competitive candidate for funding to implement evidence-based treatment and recovery efforts. It will also provide critical information on the fiscal and procedural feasibility of strategies identified by the C.A.R.E. for the Commissioners to consider once the funding is authorized. The Dogwood Health Trust grant represents \$305,504 in new funding.

Commissioner Guice moved to authorize the County Manager to sign the Dogwood contract accepting the grant funds and to amend the budget to reflect acceptance, seconded by Commissioner Dalton and unanimously approved.

APPROVAL OF DOGWOOD HEALTH TRUST FUNDING – ARPA ADVANTAGE HOUSING GRANT

Transylvania County has identified community needs for housing and economic development as priorities. To support bringing affordable and workforce housing options along with jobs to the community, Commissioners authorized staff to move forward with a sewer line that will serve Gaia Herbs at Cashier’s Valley Road from Rosman along the US 64 corridor and to install a waterline in the corridor to expand infrastructure access. This investment is intended to help support the availability of infrastructure to promote housing options and jobs.

Dogwood Health awarded a grant to the County totaling \$2,037,500 to contribute towards their mutual goal of housing which they have identified and prioritized as a social determinant of health. The funding will leverage the ARPA funding Commissioners have allocated to the project and create opportunities for housing projects to access infrastructure on the US 64 corridor. Additionally, the grant will provide funding for several studies that will benefit the Town of Rosman's water/sewer system and help the County develop a plan that will identify housing opportunities. Those studies include a countywide housing plan, an asset improvements assessment for the Town of Rosman's water/sewer system, a CIP for the Town of Rosman's water/sewer system, a water system management plan update for Rosman, and an upper Transylvania wastewater expansion assessment for the recently purchased Burlingame system by the Town. The water and wastewater information will position the Town and the County for future funding opportunities, allow for the strategic development of the expanding system and allow for future investments to further meet both economic development and housing needs. Housing needs were particularly a factor following the Tropical Storm Fred flooding where over 30 affordable units were majorly damaged or destroyed leaving some families with the only option of leaving the County to find housing.

Dogwood Health Trust has awarded Transylvania County \$2,037,500 in new grant funding. \$1.6 million will go toward funding infrastructure directly. The County will continue to pursue opportunities in the corridor for 84 affordable housing units over the next four years. If the infrastructure expansion does not facilitate the threshold of affordable units, the County will place \$1.6 million from the fund balance into an affordable housing land trust to further enhance the strategic approach to meeting community housing needs.

Commissioner McCall moved to authorize the County Manager to sign the Dogwood Health Trust contract accepting the grant funds and to amend the budget to reflect the acceptance, seconded by Commissioner Guice and unanimously approved.

Chairman Chappell called for a recess at 5:50 p.m. The Board reconvened at 6:20 p.m.

TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY RESOLUTION AND POLICY UPDATE

Finance Director Jonathan Griffin presented this item. He recapped that at their August 23, 2021 regular meeting, the Commissioners received an update on recent deliberations of the Transylvania County Tourism Development Authority (TCTDA) concerning their future and operating procedures.

The TCTDA was set up and created by the Board of Commissioners per NC Session Law 2005-88. The TCTDA is a volunteer board of nine individuals who are supported by a team that works for the Brevard/Transylvania Chamber of Commerce (Chamber). This is a model of volunteer leadership for the community where the Board of Commissioners has chosen specific individuals to carry out the duties of promoting tourism.

In 2019, the TCTDA was expanded from seven to nine seats to ease the workload for the members. At the same time, the TCTDA negotiated a separate supplemental position in the Chamber contract for an added position for the same purpose. Over the last three years, the question of how the TCTDA will carry out its duties has been addressed three distinct times, the third being this most recent discussion.

While the Commissioners do not control how occupancy tax dollars are spent, they bear the sole responsibility for levying the tax and must oversee the affairs of the TCTDA. While the Commissioners appoint individuals and entrust the TCTDA in the short-term to appointees, the long-term responsibility of this unit of government belongs to the County Commissioners. Because the Commissioners have opted to levy a tax, the law anticipates they will choose individuals they trust in the short-term to oversee

the TCTDA's affairs, and in the long term will make selections that keep maintaining a consistent path forward.

The TCTDA is the most unique among the Commissioners' appointments in that it is necessary to vest certain powers in the appointees that expose appointees themselves to criminal or civil liability. The TCTDA qualifies as a governing board under the statute, which means it has fiscal control act powers. N.C.G.S. § 159-181 outlines how TCTDA appointees could expose themselves to criminal penalties or civil liability.

The TCTDA started the conversation with the Chamber in January 2021 about making significant revisions to their existing contractual relationship. After six months of informal discussions and significant back and forth over the actual authority available to the TCTDA, County staff briefed the Commissioners on the status of those discussions at the August meeting. Commissioners directed staff to assist the TCTDA in choosing between hiring and managing staff under the County's personnel structure (Plan A) or by continuing to use a nonprofit agency as support (Plan B).

While the TCTDA has not explicitly voted on a preferred choice, for Plan A to be viable, Commissioners would have to modify the County's compensation plan to accommodate the job descriptions and address other details so that staff can continue to support the TCTDA in their deliberations.

Revisions to the resolution are a key step to implementing the TCTDA's proposal to directly oversee and manage staff. This is also an opportunity to clean up and clarify the relationship.

Three historical points should be kept in mind when reviewing the recommended changes:

1. The session laws of 1985 that created the Transylvania County occupancy tax did not authorize the creation of a Tourism Authority. Other counties, particularly neighboring Buncombe, were bound to create TDAs at the same time, so the first creation of the Transylvania County TDA appears to have been a misunderstanding about what was legally allowed in the laws of the time.
2. From 1986 to 2005, the Commissioners would have kept ultimate authority over the expenditures of occupancy taxes because of how the law was written.
3. From 2005 onward, the County is for the first time compelled to create a TDA, and the resolution was not rewritten at that time to define the new relationship under the statute. The TCTDA is vested with two powers – Fiscal Control Act (budget) powers and the ability to set procedures for its meetings.

When reviewing other tourism authorities in other communities, staff found that county governments have updated their official documents implementing more detailed and prescriptive resolutions or interlocal agreements that set firm constraints on the activities of their tourism authorities.

Attorney Debra Bechtel, formerly the Catawba County Attorney, aided staff with drafting a resolution that addressed the historic issues and focused on the following primary items:

- a. Authorize the Tourism Authority to request employees from the County. *This language is copied directly from the statute authorizing staffing for the Buncombe County Tourism Authority.*
- b. Simple legal compliance – S.L. 2005-88 specifies that the County must adopt a resolution creating the Authority, defining its members, their terms of office, and the process for filling vacancies. Transylvania County has kept two separate rule sets (in the resolution and by-laws), whereas the North Carolina law authorizes only one set of rules. The TCTDA could adopt bylaws, but a straightforward read on S.L. 2005-88 shows those

bylaws would need to stick to strict procedures for having meetings. For clarity, many of the items formerly in the bylaws are now in the resolution.

- c. Enhance communication between the TCTDA and Commissioners by requiring documents to be transmitted to the Finance Director, County Manager, or Clerk to the Board so that the Commissioners can fulfill their oversight responsibilities.

In addition, to comply with a new conflict of interest legislation passed in November that goes into effect in January. Because the Chamber and TCTDA have a contractual relationship, the new legislation prohibits the Chamber from having a member on the TCTDA governing board and participating in deliberations or votes. The position was converted into representation from the Town of Rosman just as both the City of Brevard and County have representation on the TCTDA.

Human Resources Director Sheila Cozart presented the positions, grades, and ranges. She reported that the County contracted with a consultant, Catapult, to assess the new job descriptions and make recommendations on how to incorporate them into the County's pay plan, based on the TCTDA's existing staff and should the TCTDA decide to pursue Plan A. They looked at market data and descriptions from other communities and interviewed Chamber officials assigned to the TCTDA functions about the nature of their work. They returned draft job descriptions for all three positions that included a full look at duties with recommendations about FLSA status and compensation ranges.

Those positions are listed here by job title, numbered classification, and a minimum and maximum salary range:

Functional Title	Grade	Minimum	Maximum
Tourism Development Director	119	\$55,352	\$85,795
Tourism Specialist	111	\$35,123	\$54,440
Outreach Specialist	109	\$31,857	\$49,379

The analysis did not include whether the three positions are necessary to meet the needs and assumes the existing staffing under the Chamber relationship is what is needed. In addition, the salary ranges above do not include the benefits package, like health insurance, membership in the local government retirement plan, etc.

Additionally, some minor revisions are necessary to include in the County personnel policy. For reference, staff recommended adding "tourism employee" as an employee class equivalent to the other quasi-independent employee types in the County government.

The addition of these positions to the pay plan will allow for the TCTDA to recommend that County staff be employed to help them under Plan A consistent with the new authority granted to request staff from the County contained in the resolution. If Plan A is chosen, the next steps would be determining the actual salaries for the positions based on education and relevant experience.

Staff stressed that no one is urging the TCTDA to move in a certain direction, but it was important that the County have the personnel infrastructure in place should they choose Plan A. The salary structures are based on the market, not the individuals in those positions currently. The purpose is to continue equity within the County's compensation plan. If these positions come on board with the County, they would be paid through the use of the occupancy tax collections so there would be no impact on the ad valorem (property) tax.

The remaining issues around the TCTDA's ongoing relationship with its current vendor partner need to be addressed. It is unlikely that there will be a satisfactory outcome for all parties from a one-year agreement so a multi-year agreement would be easier in transition. However, it does not seem possible under the statutes that the TCTDA can contract for a period longer than one year meaningfully because it does not control its revenue. Like Transylvania County Schools, it is reliant on taxes levied and collected by other entities.

As the Commissioners control the occupancy tax rate, which accounts for over 90% of the TCTDA's revenues, the TCTDA cannot meaningfully contract beyond a term of one fiscal year and remain in compliance with the fiscal control act. If the tax were to be repealed, or the rate lowered, the TCTDA would see less revenue, and its Board of Directors may, through no fault of their own, have overpromised and be unable to meet their contractual obligations. While historically there have been multi-year contracts between the Chamber and TCTDA, this appears to have been an error.

To ensure that the future of this relationship can be ironed out, staff requested authorization to begin negotiating an agreement between the Chamber, County, and TCTDA that will govern the real estate components of administrative office space and visitor center operations for a term of three years should the TCTDA choose Plan A. Staff remains available to the TCTDA to facilitate an RFQ if they want to pursue consideration of Plan B.

Staff sought approval from the Board of Commissioners on the following:

1. Revised resolution establishing the Tourism Authority
2. Three position reclassifications and job descriptions and amendments to Personnel Policy to create a tourism staff classification equivalent to Elections and Soil & Water employees
3. Authorization to negotiate a three-year interlocal agreement between the County, Authority, and Chamber to cover the rent and visitor's center should the TCTDA elect to recommend Plan A.

Commissioner Chapman moved to:

1. **approve the revised resolution establishing the Tourism Authority;**
2. **approve three classifications and their job descriptions and amend the personnel policy as necessary to create a classification of "tourism staff" equivalent to Elections and Soil & Water employees; and**
3. **proceed to negotiate a three-year interlocal agreement between the County, Authority, and Chamber to cover rent and the visitor's center if the TCTDA elects to recommend Plan A.**

Commissioner Dalton seconded the motion and it was unanimously approved.

APPROVAL OF PROPERTY SWAP WITH BILTMORE BAPTIST CHURCH

Transylvania County owns approximately 2.253 acres (PIN: 8597-31-1079-000) on Morris Road adjacent to Biltmore Baptist Church. Biltmore Baptist Church owns approximately 1.899 acres at the corner of Morris Road and Ecusta Road adjacent to the property owned by the County (PIN: 8597-30-6718-000). The county staff has been working with the Church to swap properties to best meet the interests of each party. The property swap agreement includes a change to the existing property line to essentially "square up" the property lines. Under the statute, counties cannot trade land unless the land is of similar value. Staff confirmed the land swap complies with statutes.

The county staff has been working with an architect to ensure that the property meets the needs to house an Emergency Medical Services Base and confirm that the zoning allows for this type of structure. The property at the corner is more desirable for the rapid deployment of emergency vehicles. Therefore, the staff requested the Board of Commissioners authorize the Manager to proceed with the swap and sign all necessary documents.

Commissioner Guice moved to approve the Manager to complete the property swap and sign all the necessary documents, seconded by Commissioner McCall and unanimously approved.

REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL AND ENGINEERING DESIGNS FOR NEW EMERGENCY MEDICAL SERVICES BASE STATION

Transylvania County's EMS Base is located at 842 North Broad Street. The building is an older structure that was retrofitted as an EMS Base. The structure has documented structural and maintenance issues. The structure is inadequately sized and not designed to meet the needs of the EMS department and staff. The location of the EMS Base has also been consistently problematic due to the heavy traffic due to its proximity to the main highway.

Staff requested that the Board of Commissioners authorize staff to issue an RFQ for architectural design and engineering to include design and bid services. It is estimated that it will take 18 months to design, bid, and construct a new EMS Base on property located at the intersection of Morris Road and Ecusta Road. This location is consistent with an ambulance placement study that identified optimal locations for EMS bases to improve response times and better serve the community.

Commissioners set aside funding to construct the new EMS Base in a reserve line in the County's fund balance. Additionally, the recently adopted North Carolina State Budget includes \$125,000 in funding to support the EMS Base project.

Commissioner McCall moved to authorize staff to issue an RFQ for architectural design and engineering, seconded by Commissioner Guice and unanimously approved.

ACCEPT OFFER FROM MINERAL SPRINGS, LLC TO PURCHASE COUNTY-OWNED PROPERTY PIN 8586-73-9812 EMS MAIN BASE

The current Transylvania County EMS Base is located at 842 North Broad Street. The building is an older structure that was retrofitted as an EMS Base and is functionally obsolete. The County has been planning to relocate the main base to a property on Morris Road.

Mineral Springs, LLC made an offer to the County to purchase the property where the current EMS Base is located for \$600,000, which exceeds the certified appraisal conducted. The offer also includes provisions to allow Transylvania County EMS to operate for up to 180 days after closing. This will allow time to set up a temporary EMS location ahead of full relocation to the property on Morris Road. The proceeds received from the sale of this property will go toward the construction of the new EMS Base.

State statute requires that the Commissioners use the upset bid process after accepting an offer to purchase County property. This process will include the Clerk posting a notice in the local newspaper of circulation and providing time for sealed bids to be submitted.

Commissioner Guice moved to:

- 1. accept the offer from Mineral Springs, LLC;**
- 2. direct the Clerk to advertise and conduct the upset bid process. Any bids will need to meet the same terms of the Offer to Purchase and additional financial consideration to be valid;**
- 3. Authorize the County Manager to sign the Offer to Purchase and begin the inspection period following completion of the upset bid process.**

Commissioner Dalton seconded the motion, and it was unanimously approved.

WATER AND SEWER CONSULTING SERVICES REQUEST FOR QUALIFICATIONS

In the recently passed state budget (Session Law 2021-180), the General Assembly included a \$7 million appropriation to Transylvania County from the State Water and Sewer Infrastructure Fund. The program is authorized by the Drinking Water and Wastewater Reserve Program. The specific project authorized is the design and construction of a water intake plant for the Town of Rosman's water system. These resources are being distributed from the State's allocation of ARPA (American Rescue Plan Act) resources which have strict deadlines for timing and completion of the project.

County staff must submit the Request for Funding form to the Division of Environmental Quality by February 3, 2022. The form requires a preliminary budget that has been reviewed and stamped by a professional engineer.

Under normal circumstances, a project of this scope would involve a preliminary engineering report that would be used to set up the scope and provide an estimated cost; however, due to the tight deadline, staff recommended moving directly to asking for proposals for design and construction of facilities and infrastructure via a full request for qualifications (RFQ). The County must be under contract by the year 2024 and spend down the money by 2025.

An RFQ for a project of this scope will exceed the thresholds for being able to directly select a professional engineer and instead, require a full RFQ because the likely fee for services exceeds \$50,000. Additionally, the Dogwood Health Trust will be awarding grant monies to the County for services that will require engineering consulting services for other studies.

Staff estimated that the total grants and appropriations for water and sewer projects for the County will be \$9 million and will be accounted for in County Water and Sewer Infrastructure Fund.

Commissioner McCall moved to:

- 1. choose the County Manager as the authorized individual for executing NCDEQ documents for the Drinking Water and Wastewater Reserve Project;**
- 2. authorize staff to issue a request for proposals for engineering consulting services; and**
- 3. authorize staff to award a contract for water and sewer engineering consulting services within available budgets**

Commissioner Dalton seconded the motion. Commissioners stressed that these dollars and how the County intends to use them are intended to transform Transylvania County in a generational way. In addition, the grant funds are being allocated to local governments for specific uses and cannot be redirected to supplant other services but in the long-term still saves taxpayer dollars. **The motion was unanimously approved.**

MANAGER'S REPORT

- Transylvania County Library rebranding/logo funded by Library Foundation and should be implemented in the coming month
- Update on tier designation; Transylvania County remains a Tier 3 which means we are the least economically distressed, like Buncombe, Henderson, Mecklenburg, and Wake Counties
 - Impact on qualifying for certain State grants
 - The true population of the County is 33,000, but not the daily population
- New winter hours for Solid Waste
 - Landfill: Monday-Saturday 8 am-4 pm
 - Pisgah Forest Collection Center: Monday-Saturday 8:30 am-5:30 pm

- County offices will be closed on Friday, December 17 from 1 pm-5 pm for an employee appreciation event

PUBLIC COMMENT

Don Surrette: Mr. Surrette served on the Product Development Task Force a few years ago that looked at potential industrial sites. One of the problems they recognized at the time was there was no sewer and water infrastructure available in the corridors. He was pleased to learn about the new projects and funding reported on at this meeting and he felt strongly about how this would positively impact the future of this County.

COMMISSIONERS' COMMENTS

Commissioner Chapman reported that he attended the Board of Education meeting last Tuesday regarding the school bond projects. He was concerned with the significant changes the School Board has made to the projects. He posed to the School Board's Attorney a question about the legal issues with the Board of Education proposing significant changes to the projects different than what citizens originally voted for in November. Their attorney's response was a recommendation for a joint meeting between the two Boards to discuss further. He continued to express concern about these projects and the fact that they do not address any of the other schools.

Commissioner Dalton was pleased with the action taken by the Board tonight concerning the funding coming into the County for water and sewer infrastructure. These funds open up tremendous opportunities for the County and help one of the County's main employers solve its issues with infrastructure.

Commissioner Guice agreed and was excited about the County's future.

Commissioner McCall also agreed and expressed how proud she was of the work of the County staff to move the County forward. She also expressed a desire to do what is right for the citizens of Transylvania County concerning the school bond projects. Commissioner McCall shared that she recently received some phone calls from citizens upset that the Board of Commissioners is cutting the School System's capital projects. She informed them and stressed now that the Board of Commissioners has not cut the capital spending and noted that the School System has yet to spend a portion of the capital outlay that was allocated last year. In addition, any reductions in the bond projects are a result of conversations between the Board of Education and its architects. Commissioner McCall

Chairman Chappell thanked staff for their work getting the tree decorated on the courthouse lawn because he has received a lot of positive feedback. He recapped the action taken by the Board tonight that will have profound impacts on this County for many years. Chairman Chappell thanked Commissioner Guice for the opportunity to work together over the last several years. Commissioner Guice recently announced that he did not intend to run for public office at the end of his term.

Commissioners will not meet again until 2022 and they wished everyone a Merry Christmas and a Happy New Year.

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 and per N.C.G.S. § 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for

the acquisition of real property by purchase, option, exchange, or lease, following a 10-minute recess, seconded by Commissioner Dalton and unanimously carried.

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 at 7:57 p.m. Present were Chairman Chappell, Commissioners Chapman, Dalton, Guice and McCall, County Manager Jaime Laughter, County Attorney Patrick Scott, Interim Transylvania Economic Alliance Executive Director Sam Powers, Transylvania Economic Alliance Board Chair Amber Webb, Josh Carpenter with the Economic Development Partnership of North Carolina, and Clerk to the Board Trisha Hogan.

The Board received an update on a potential economic development project and directed staff on how to proceed.

Per N.C.G.S. § 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, the second closed session was entered into. Present were Chairman Chappell, Commissioners Chapman, Dalton, Guice, and McCall, County Manager Jaime Laughter, County Attorney Patrick Scott, and Clerk to the Board Trisha Hogan.

The Manager presented information to the Board on the potential acquisition of property. The Board directed her 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 sessions until such time that the minutes do not frustrate the purpose of the closed sessions, seconded by Commissioner Dalton and unanimously approved.

ADJOURNMENT

There being no further business to come before the Board, **Chairman Chappell moved to adjourn at 8:27 p.m., seconded by Commissioner Dalton and unanimously approved.**

Jason R. Chappell, Chairman
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board