

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
November 14, 2017 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Tuesday, November 14, 2017 at 9:00 a.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

Commissioners present were Chairman Larry Chapman, Jason Chappell, Mike Hawkins, Vice-Chairwoman Page Lemel and Kelvin Phillips. Due to illness, Commissioner Phillips followed the meeting remotely from the Arthur C. Wilson, Jr. Conference Room until the end of the joint meeting. Also present were County Manager Jaime Laughter, County Attorney Misti Bass, and Clerk to the Board Trisha Hogan.

For the joint meeting, present from the City of Brevard were Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, and the following Councilmembers: Gary Daniel, Ann Hollingsworth, Maurice Jones, and Charlie Landreth. Also present were City Attorney Mike Pratt and City Clerk Desiree Perry. In addition, several members of the Transylvania Economic Alliance Board of Directors were present, along with the organization's Executive Director Josh Hallingse.

Media: *The Transylvania Times* – Derek McKissock

There were approximately 60 people in the audience.

CALL TO ORDER

Chairman Larry Chapman presiding declared a quorum was present and called the meeting to order at 9:03 a.m.

WELCOME

Chairman Chapman welcomed everyone to the meeting and thanked the members of the public for participating in their local government. He introduced Commissioners and staff in attendance.

PUBLIC COMMENT

There were no citizens signed up for public comment other than the Courthouse Expansion agenda item. Chairman Chapman announced he will reopen the Public Comment period after the joint meeting with the City of Brevard.

AGENDA MODIFICATIONS

The Manager requested to remove Item VIII-B C.A.R.E. Coalition Partner Pledge from Old Business and place it on the November 27, 2017 agenda and to add Item XII-A Closed Session per NCGS 143-318.11 (a) (3) to consult with an attorney in order to protect attorney-client privilege between the attorney and public body, which privilege is hereby acknowledged. There were no agenda modifications from Commissioners

Commissioner Lemel moved to approve the agenda as modified, seconded by Commissioner Chappell and unanimously approved.

JOINT MEETING WITH BREVARD CITY COUNCIL

GOLDEN LEAF FOUNDATION: LIGHT INDUSTRIAL BUILDING

For the purposes of the joint meeting, Brevard Mayor Jimmy Harris presiding called the Brevard City Council meeting to order at 9:07 a.m. He introduced officials and staff in attendance. He noted that City Manager Jim Fatland was in Raleigh accepting an award on behalf of City Council and thus unable to attend the meeting today. As requested, the City Clerk certified a quorum was present and reported that the meeting had been properly advertised. Mayor Harris thanked the County Commissioners for this opportunity to meet and expressed excitement about this collaboration and its effort to improve the industrial base in Transylvania County.

The County Manager presented an overview of the project. Transylvania County, in collaboration with the City of Brevard, Transylvania Economic Alliance and Golden Leaf Foundation, pursued the design and construction of a 60,750 sq. ft., multi-tenant light industrial building to be located on a +/- 7 acre site on Ecusta Road. The first tenant will be Sylvan Sport. This building will allow Sylvan Sport to expand and grow in this community.

The funds to construct the building will be supplemented by a \$1 million Golden Leaf Foundation grant and a \$200,000 NC Department of Commerce grant. It is necessary to set up a Deed of Trust from both the County and the City to the Alliance, along with two promissory notes in order to make this agreement work. The City will be contributing the property for the project. Its approximate tax value is +/- \$1 million. The County will be contributing \$3.7 million in cash to the project to add to the grant funds received. The Transylvania Economic Alliance will manage the building and use the lease payments to repay the promissory notes. The County will be responsible for constructing the building on the property. The County and the Alliance will have a performance agreement in place with specified terms regarding the management of the property and the use of the lease payments. The County and City will enter into an interlocal agreement with terms to govern the project and operations.

Once legal agreements are adopted between the City, County and Alliance at this joint meeting, a public hearing will be scheduled for November 27 to receive public input on the appropriation of public funds for economic development purposes. At the same meeting, staff will ask Commissioners to award the bid for construction, approve the project budget and appropriate funds.

For today, staff asked the Boards to approve the legal agreements that are necessary by all parties in order to make this very unique project work. Action to be taken by both Boards will include the adoption of the legal agreements, deed of trust and promissory notes and authorizing the appropriate persons to sign the documents. Copies of all the documents had been distributed last week; however, County Attorney Misti Bass recommended two amendments and she read these into the record. These amendments have been approved by the legal entities for all three organizations to ensure compliance with the expectations of the Golden Leaf Foundation.

1. *Development Agreement – page 9, Article V Reports and Audits, Section 5.01 Report : This change was requested by the Alliance. A statement was added to the last paragraph in this section. It reads, “The County will provide annual reports to the Alliance summarizing the balance of the Promissory Note owed to them and the associated reserve funds.”*
2. *The Golden Leaf Foundation attorney also reviewed these documents and recommended changes to the Promissory Note between the City of Brevard and the Alliance. The recommendation is to change paragraph 2 of the Promissory Note to read, “Upon the sale or lease of space in the Building for a term of five years or longer, a portion of the remaining \$400,000 balance shall be forgiven in an amount equal to the proportionate value of the property sold or leased to the value of the property as a whole. Upon sale or lease of such property, the City’s interest in the Deed of*

Trust securing this promissory note for such property shall be considered satisfied.” In addition, she recommended changes to paragraph 3 to read, “As long as the maker continues to be actively seeking buyers or tenants for the building on the Property, the entire remaining balance on the Note shall be forgiven ten years from the date of this Note, and the City’s interest in the Deed of Trust securing the Note shall be considered satisfied. If the building, is not constructed on the Property within ten years, or the project is abandoned prior to that time, this Note shall be considered to be in default, and the Property may be foreclosed pursuant the Deed of Trust securing this Note.”

Commissioner Lemel moved to approve the performance/development agree with the Transylvania Economic Alliance, the Deed of Trust, the respective Promissory Notes, and interlocal agreement, and to authorize signatures on all documents as amended. The motion was seconded by Commissioner Hawkins. Commissioner Chappell thanked the County Attorney and others to ensure the legal documents were in place to make sure the legal aspects of this project were covered so it can move forward. Commissioner Lemel was pleased to see an expansion of manufacturing in Transylvania County. Commissioner Hawkins commented that being able to navigate the complexity of this project successfully was sensational and is attributed to the leadership of the four organizations. He particularly thanked the Manager for shepherding this process forward and the County Attorney for the effort she put into the legal work. He stressed this project is very important to Transylvania County as a whole. Lastly, he expressed appreciation to Senator Chuck Edwards for assisting the project with an additional \$200,000 from the NC Department of Commerce. Chairman Chapman reminded everyone that the lack of product was identified as a number need by a consultant a few years ago. This building will help existing businesses expand and grow and provide space to attract other businesses to this County. He hopes this is the start of many more projects like this. He noted that money will be reinvested into economic development opportunities. He thanked all those involved with making this project happen and expressed appreciation for the investment made by the citizens. **The motion was approved unanimously.**

Mayor Harris called for a motion to approve the development agreement with the amendment and the interlocal agreement authorizing the City Manager to sign as the local authority and this was moved by Mayor Pro Tem Morrow and seconded by Councilman Landreth. Mayor Harris commented that this agreement encourages job growth and development and increases the industrial base. He believes the property located on Ecusta Road is ideal for this opportunity. The tenant is excited to relocate there upon completion of the construction. **The motion was approved unanimously. The City of Brevard adjourned its meeting at 9:36 a.m.**

Chairman Chapman called for a brief recess in order for the appropriate County, City and Alliance representatives to sign the appropriate legal documents and all in attendance to enjoy light refreshments.

Following the recess, Chairman Chapman introduced Tom Dempsey, the owner of Sylvan Sport, the first tenant to be moving into the industrial building upon completion. Mr. Dempsey and his business is an important part of this community. His business is growing exponentially and he is constrained by the lack of space available for him to relocate. This problem culminated into the multi-partnership agreement that was approved here today. Mr. Dempsey personally thanked all those for working together and allowing this project to come to fruition. He was very appreciative of the community’s support and he is very excited to move forward and grateful for the opportunity.

Commissioner Phillips joined the meeting in Commissioners’ Chambers at 9:40 a.m.

PUBLIC COMMENT

The following public comments were all related to the Courthouse Expansion agenda item under old Business. This is a summary of those comments.

Greg Newman: Mr. Newman is the District Attorney for this judicial district. He described the Courthouse as being inadequate in several areas, including technology, courtroom space, and privacy and real problems with the commingling of inmates, court staff and officials, the public, evidence, etc. While all these issues make holding court cases and trials very difficult, as well as conducting daily functions, the staff there has somehow made it work. He pointed out that Resident Superior Court Judge Powell recently sent a letter to Commissioners urging them to move forward with a new facility and asserting that a courthouse reflects a community's dedication to the administration of justice in their respective community. Mr. Newman also urged Commissioners to be forward thinking. He said he expects the current facility to be reused and because economic development is improving, he feels the funds are there to build a new facility. He reminded Commissioners that many departments conduct business within the Courthouse, not just attorneys, so he encouraged Commissioners to be ambitious and do what is necessary to meet the needs of the future.

Monica Driscoll: Ms. Driscoll said the Courthouse has always been the heartbeat of town. She said she understands the current facility has outgrown its capacity and the Board should be commended for taking measures to ease overcrowding. She urged Commissioners to consider building a new facility within three blocks of the County campus so it can remain within close proximity to the Register of Deeds and Tax Administration Offices. She believes the site adjacent to the Courthouse would be adequate to meet this need. Otherwise, she urged Commissioners to seek a downtown location that would house all these functions so that citizens have a centralized location to conduct their business. Ms. Driscoll also recommended Commissioners acquire adjacent property on Probart Street for a parking deck that will benefit all. Ms. Driscoll pointed out there are many buildings in town that are considered eyesores and using them for court functions could dramatically impact what she called the 2nd block areas. This encompasses the block on which the American Legion Building is located and she believes it would meet the County's needs. Ms. Driscoll was strong in her stance that moving court functions out of downtown and onto to Morris Road would be a mistake.

Benny Frady: Mr. Frady is the Court Security Supervisor at the Transylvania County Courthouse. He urged Commissioners to vote to move forward with constructing a new facility. He said he understands the concerns of those wanting court functions to remain downtown and said he did not know how relocating might impact their businesses; however, he stated that few of the people that frequent the Courthouse, other than staff and attorneys, would patronize businesses and restaurants downtown on court dates. The facility was originally built in 1881, has been added onto and renovated, but is no longer efficient. There are structural issues to the building that cannot be addressed and it is time to consider newer options. Studies have shown that the condition and layout of the building is not conducive to the welfare and safety of those that use it. There are also severe issues with inadequate space, ever-increasing caseloads, parking, safety, particularly with everyone using the same entrance, etc. Mr. Frady said the County needs a facility in which it is safe to work and one that allows staff to perform the services that are core to operating the facility. He urged Commissioners to move forward with building a new facility on Morris Road next to the Public Safety Facility, and to invest in the 3rd floor shell for future expansion capabilities.

Kristi Brown: Mrs. Brown is the Clerk of Superior Court for Transylvania County. She pointed out the Courthouse was built in 1881 and has served its purpose well, but it no longer meets the needs of current court functions. Studies show when finished that many courthouse renovations are already inadequate. They usually cost more and cannot be renovated to meet all the functions necessary. The current facility

has safety and security issues, no space for a jury to meet, commingling of inmates with court officials and staffs, ADA accessibility issues, etc. She reminded Commissioners that the Rural Courts Commission suggested that new construction would allow the County to meet the needs more completely and economically than renovating the current building. No matter what decision the Board makes, she assured Commissioners that her office will continue to serve the public to the best of their ability.

Larry Gregory: Mr. Gregory urged Commissioners to approve building a new court facility on Morris Road next to the Public Safety Facility. He said the existing facility is outdated, unsafe and cannot be fixed to meet current needs. Furthermore, the County does not own any other property in downtown on which to build. Onsite renovations would be only a temporary solution. The County already owns property next to the Public Safety Facility. Mr. Gregory does not believe moving court functions out of downtown will impact businesses because those that frequent the Courthouse cannot afford to eat in the downtown restaurants. He also suggested a good fit for the current facility would be to allow it to be used by the Historical Society. Their current home is inadequate as well. Again, he urged Commissioners to move forward with building a new facility on Morris Road to meet the future needs of this County.

Peter Mockridge: Mr. Mockridge said very often it seems to him the NC Department of Transportation installs a traffic control device at intersections that it already knows to be dangerous only after a fatality or serious accident has occurred there. He said it is clear to him that the current situation at the Courthouse is not safe. Commingling of inmates with court officials and the public represents significant risk to everyone. Mr. Mockridge concluded there is no practical way to reduce this risk at the current site and provide for the expansion for the anticipated growth. He urged Commissioners to build a new facility next to the Public Safety Facility to include the 3rd floor shell for future expansion.

Phil Davis: Mr. Davis stated that the relocation of the Courthouse is important to him for historical reasons. He serves on the Board of Directors for Transylvania Heritage Museum, the WNC Military History Museum and the Silvermont Mansion Museum. Being the Courthouse is registered as a historical building, should Commissioners decide to relocate court functions, he asked them to consider allowing the historical Courthouse be used for historical museums and other purposes. He felt it would be a wonderful location to help draw visitors to downtown. He noted that the WNC Military History Museum, located on Main Street in downtown Brevard, has had over 1,500 visitors since opening a few short months ago. This is important and vital to the local economy.

This concluded the Public Comment period. Before moving on with the agenda, Chairman Chapman took a moment to welcome back Commissioner Phillips. Commissioner Phillips thanked everyone for their prayers and support and reported that his last treatment revealed he is cancer free. His immune system is still fragile so he apologized for missing previous meetings, but assured everyone he has been keeping up with County business through electronic purposes and staying in contact with colleagues to remain abreast of the issues.

CONSENT AGENDA

Commissioner Lemel moved to approve the Consent Agenda. The motion was seconded by Commissioner Hawkins. Commissioner Lemel was happy to see the Heritage Museum taking over the operations of the Silvermont Museum. This County has great historical operations and the collective management will provide good service to the community. She also noted the staff changes needed to update the System Safety Program Plan were not updated in the agenda packet. The Manager stated that staff will review and make the corrections. Chairman Chapman encouraged the public to visit the museum on the 2nd floor of the Silvermont Mansion. **The motion to approve was unanimous.**

The following items were approved:

MINUTES

The Board of Commissioners met in regular session on October 23, 2017. The minutes were approved as submitted.

OPERATION OF SILVERMONT MUSEUM MEMORANDUM OF UNDERSTANDING

The Friends of Silvermont have operated the Silvermont Museum for a number of years and have determined they do not have the volunteer base at this point to continue with the museum project. The Transylvania Heritage Museum is interested in operating the museum. The terms of the agreement are consistent with the agreement held previously with the Friends of Silvermont and have been negotiated between the curator and the County Manager. The items are owned and insured by the County and there is no fee exchanged for operation of the facility. Commissioners approved a Memorandum of Understanding and authorized the Manager to sign the agreement with the Transylvania Heritage Museum.

TRANSYLVANIA COUNTY TRANSPORTATION SYSTEM-SYSTEM SAFETY PROGRAM PLAN (SSPP)

Effective October 2012, Moving Ahead for Progress in the 21st Century (MAP-21) mandated requirements for all public transportation to develop and implement a safety plan. As defined by MAP-21 public transportation is regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income. North Carolina Board of Transportation 2003 Resolution established the requirement for each transit system to develop and implement a System Safety Program Plan (SSPP). The SSPP is implemented by the Transportation Department and under the management of the Transportation Coordinator. All staff within the Transportation Department are assigned responsibilities to ensure the SSPP is enforced on a daily basis. The SSPP addresses the six core elements.

In 2011, Transylvania County Transportation System established the SSPP as an operating document that has been prepared for and approved by the Support Services Administrator, County Manager, and Board of Commissioners. The last update was approved in 2015. A revised version dated October 23, 2017 was necessary due to replacement of the Drug and Alcohol Policy and Emergency Action Manual and changes in staffing. Commissioners approved the revised System Safety Program Plan (SSPP) for Transylvania County.

APPOINTMENTSJUVENILE CRIME PREVENTION COUNCIL

Kathleen Mallet recently resigned her position on the Juvenile Crime Prevention Council (JCPC). She represented the profession of Substance Abuse Professional. Kristen Gentry, the Youth and Community Outreach Coordinator with the CARE Coalition, submitted her application to fill this role on the JCPC. Her work with youth on the prevention of underage drinking and drug use qualifies her for this position and makes her an asset to the JCPC and their mission to serve youth in our community.

Commissioner Lemel moved to appoint Kristen Gentry to fill the Substance Abuse Professional vacancy on the Juvenile Crime Prevention Council, seconded by Commissioner Chappell and unanimously approved.

OLD BUSINESS

TRANSYLVANIA COUNTY COURTHOUSE EXPANSION OPTIONS

The Manager reminded Commissioners that Courthouse needs have been discussed for many years as far back as 2001. In October of this year, Commissioners received an update from Moseley Architects on the options under consideration at this time for Courthouse expansion and a presentation from staff on financing options. The current options are:

- Do nothing
- Expand on the current site by constructing a new building next to the existing Courthouse at a cost of \$22.3 million with a 300-car parking deck; does not include land acquisition costs
- Build new court facility on Morris Road next to Public Safety Facility at a cost of \$25.9 million
- Building new court facility on Morris Road next to Public Safety Facility to include 3rd floor shell for future expansion capabilities estimated at \$31.1 million

There are several different financing options available. Once Commissioners determine which option they want to pursue, staff would refine the financing options and bring them back to the Board for review and to receive direction. The financing options are:

- Installment Financing Agreement, private placement with lender
- Limited Obligation Bonds
- USDA Loan
- General Obligation Bonds

The following payment plans under the different financing options have been updated since the Moseley Architects presentation. It should give Commissioners a snapshot of what annual payments, interest rates, and payment of the term of the loan would look like.

Renovations and Construction of Courthouse Annex and Parking Deck					
Amount Borrowed	\$22,300,000	\$22,300,000	\$22,300,000	\$22,300,000	\$22,300,000
Type of Financing	Installment	Installment	Installment	Installment	USDA
	Purchase	Purchase	Purchase	Purchase	Loan
Term in years	5	10	15	20	40
Interest Rate	2.60%	3.00%	3.25%	3.65%	3.50%
Annual Payment	\$4,813,831	\$2,614,240	\$1,901,935	\$1,590,424	
Tax Rate Impact on Current					
Base	\$0.0843	\$0.0458	\$0.0333	\$0.0279	\$0.0183
% Increase over Current Rate	16.5%	9.0%	6.5%	5.5%	3.6%
Payment over Term of Loan	\$24,069,156	\$26,142,403	\$28,529,030	\$31,808,471	\$41,769,936
Total Payment as % of					
Amount Borrowed	107.9%	117.2%	127.9%	142.6%	187.3%

Construction of New Courthouse					
Amount Borrowed	\$31,100,000	\$31,100,000	\$31,100,000	\$31,100,000	\$31,100,000
Type of Financing	Installment	Installment	Installment	Installment	USDA
	Purchase	Purchase	Purchase	Purchase	Loan
Term in years	5	10	15	20	40
Interest Rate	2.60%	3.00%	3.25%	3.65%	3.50%
Annual Payment	\$6,713,460	\$3,645,869	\$2,652,475	\$2,218,035	\$1,456,328
Tax Rate Impact on Current					
Base	\$0.1176	\$0.0639	\$0.0465	\$0.0389	\$0.0255
% Increase over Current Rate	23.0%	12.5%	9.1%	7.6%	5.0%
Payment over Term of Loan	\$33,567,298	\$36,458,688	\$39,787,122	\$44,360,693	\$58,253,139
Total Payment as % of					
Amount Borrowed	107.9%	117.2%	127.9%	142.6%	187.3%

The Manager recommended Commissioners give staff direction on which expansion option to pursue. To move forward with a new courthouse is going to take at least a three-year process. The Architect would first need to finalize the design plans and begin to prepare documents for bid. In the meantime, staff would be refining financing options and obtaining further direction from the Board. The very next step is identifying which option the Board would like to pursue.

Commissioner Lemel moved to build a new Courthouse on Morris Road with a 3rd floor shell as presented. The motion was seconded by Commissioner Phillips.

Commissioner Chappell agreed with the motion. He said the Board has been discussing this matter for years, but has also done a lot to study and remedy the issues with the facility, such as moving offices and making minor renovations and cosmetic changes. An expansion onsite would be doing nothing more than adding a new building to a facility with structural design and space issues. With the modifications made, Commissioners managed to salvage another decade plus from the building. He thanked all those who made that happen. Commissioner Chappell agreed with the option to include the 3rd floor shell in order to prepare for the future because the trend is that caseloads, crime rates, etc. continue to rise. The Public Safety Facility was designed with the possibilities of building a courthouse onsite in the future. He thanked previous Boards of Commissioners for having foresight and buying additional land for this very purpose. Commissioner Chappell thanked Commissioners and staff for keeping this issue on the forefront and he believes now is the time to move forward.

Commissioner Lemel said she understands the Courthouse has long been considered a vibrant node of community life in Transylvania County. However, it is not the hub of County government and it has not been for several years. Its sole function is court services. Several today commented about victims and perpetrators being commingled in the courtroom and scheduling issues. Commissioner Lemel pointed out that in 2015 Transylvania County had the highest DSS and Family Court continuance rate in the State of North Carolina, by more than 12% over the second highest. When cases are not moved through the court system, our citizens are not being served well. Commissioner Lemel stressed that our citizens deserve better in their pursuit of justice. The Courthouse is an iconic building and it is the symbol of our entire community and the building deserves to be valued and cared for as such. It should be returned to its status as a vibrant structure with its front doors open to citizens. Therefore she is in favor of moving court functions out of the current facility.

Commissioner Hawkins said he journeyed through a four step process to come to his decision on this matter, a process he follows frequently. 1. What can we learn from others who have faced this issue? Out of the 100 counties and 100 courthouses across the State, he found that most courthouses are within a reasonable distance from the downtowns of the county seats. In terms of age, there are three courthouses in North Carolina that are older than Transylvania County's and those counties are much smaller and have smaller demands. Most counties do not conduct business in 19th Century buildings. 2. Have all of the issues been examined? This issue has been studied for a while and Commissioners have been creative in looking at different options and opportunities. He is comfortable the County has been diligent in examining all alternatives. 3. What are the options? Three options are on the table. None of them are perfect and anyone can make a case against any one of the options. The onsite expansion option is complex and doable, but would involve other stakeholders that at this point the County has been unable to engage with. This option is also a makeshift solution to some of the safety and functional problems, although it keeps court functions downtown. The option to build offsite provides greater comfort level that the functional and safety issues will be resolved, but it takes court out of downtown and runs the risk of unknown impacts. 4. What are the short term and long term effects of each decision? With option one, there are significant short and long term issues. Option two brings some short term consequences, but more long term consequences. Option three may have significant short term consequences, but not as much long term. Commissioner Hawkins wanted his thought process to explain his vote and he stated he is confident with his vote.

Commissioner Phillips agreed with all the points made thus far. He shared that Commissioners are also concerned about cost. The option to expand onsite does not make financial sense because it is a short term solution. The option to build a new facility makes better financial sense. He invited the public to visit Jackson and Swain Counties because they have turned their old courthouses into facilities that draw tourism and contribute to the vitality of their downtowns. He believes there are viable options for the use of the Transylvania County Courthouse. He reminded everyone that Commissioners have studied several options over the years and he is confident that the County can move forward and build a facility it can have pride in and serve the court system well.

Chairman Chapman informed the public about seven years ago the County began a formal study of the Courthouse issue and involved several stakeholders across the community and within the court system. The issue that became apparent with every conversation was safety, both internal and external. Inmates are transported by van to the door of the facility and are ushered in using the same door as the public and court officials. Luckily nothing tragic has happened with this practice. Commissioners were able to get more life out of the building by moving offices and renovating, but those additional years came at a cost. During that time construction costs have risen and will continue to rise if this decision is delayed any longer. The onsite expansion is temporary and eliminates much needed parking. The County does not own land to build a parking deck and current cost estimates for a structure are \$20,000 a parking space. Chairman Chapman stated there is much work to be done moving forward should the vote be to build offsite. He also assured everyone there is interest in making sure the current Courthouse is repurposed in a manner that can be used by all and contribute to the vibrancy of downtown.

The motion to approve was unanimous.

NEW BUSINESS

SCBA REPLACEMENT COST FOR SYLVAN VALLEY 2 DISTRICT

Assistant County Manager David McNeill presented this item. The City of Brevard requested the purchase of 45 Self Contained Breathing Apparatus (SCBA) in the FY 2018 budget. The budget estimate was \$389,250. Commissioners instructed staff to present recommendations during the fiscal year once bid and grant information were received. The City of Brevard received a FEMA Grant in the amount of

\$265,715 for the purchase of SCBA's for the Brevard Fire Department. The City of Brevard received a bid for \$313,750 for the SCBA purchase. The bid subtracted by the FEMA Grant leaves \$48,035 to be split 53% City of Brevard (\$25,458.25) and 47% Sylvan Valley 2 District \$22,576.45. The Sylvan Valley 2 District Reserve had a \$128,050.53 balance as of June 30, 2017. Staff recommended approval of the purchase and payment of \$22,576.45 to the City of Brevard from the Sylvan Valley 2 District Reserve. The department's finances are in good shape and there is no issue with drawing down funds from their reserves.

Commissioner Lemel moved to approve the purchase and payment of \$22,576.45 to the City of Brevard from the Sylvan Valley 2 Fire District Reserve, seconded by Commissioner Chappell and unanimously approved.

LEASE AGREEMENT FOR DOZER AT SOLID WASTE

Assistant County Manager David McNeill presented this item. He reported that staff has been making several improvements to the landfill, but there remain several issues to address.

County staff asked John Deere to assess the condition of the current 2006 JD650J Dozer with 13,000 hours and provide a quote for repair. The quote provided was \$47,397.60. Staff also asked John Deere for a verbal estimate just to get the dozer running without repairing all items and that quote ranged from \$17,000 to \$20,000. John Deere could not guarantee the repairs would be adequate to get the dozer through this fiscal year. Staff did not recommend the repair of the dozer being that they estimate the value of the dozer to be less than the cost to repair it.

The County is currently renting an open cab dozer that is inadequate for its purpose for \$5,100 per month to meet minimum ongoing needs. The open cab exposes staff to weather conditions which is rapidly becoming problematic. The \$5,100 rental is not in the current year's budget. Staff went to work obtaining quotes for replacing the dozer and received quotes from John Deere and Caterpillar. In addition, staff sought expertise from an engineering firm. Staff recommended that the Board of Commissioners approve a 5-year lease with Caterpillar for a 2017 D6N Dozer with the Solid Waste Package. The quote includes a 5-year / 7,500 hour warranty and a 5-year service agreement that includes the CAT monitoring system. The quote for the cash purchase of the dozer is \$328,307.18. The industry standard is that leasing is the better option. This lease allows for a purchase option at the end of the term with the option to purchase extended warranty and service agreements based on the condition of the equipment.

Staff is working on a list of items that will require a Transylvania County Solid Waste budget amendment this fiscal year. Staff recommended the lease cost for this fiscal year, if approved, be included in the budget amendment that staff will present in January or February. In the interim, funds that were budgeted for road repairs will be used to cover the cost of this lease agreement.

The Manager acknowledged that Mr. McNeill and Interim Solid Waste Director Bobby Cooper have put a significant amount of effort into evaluating landfill operations. Everyone has noticed the positive changes. There have been some significant deferred maintenance and the management team is preparing a proposal for Commissioners that they believe is a sound investment for the best cost. The monies included in the budget for road repair did not anticipate the recent significant rain events that created a complete washout of one section of the road. The Manager stressed there are many needs that need to be addressed in order to serve the citizens appropriately. Both the Manager and Mr. McNeill publicly thanked Lake Toxaway Fire Department Chief Carmen West for volunteering his time and skills to repairing parts of the gravel road during the wash out.

Commissioner Lemel moved to approve the proposed lease agreement for the Solid Waste department, seconded by Commissioner Hawkins and approved unanimously.

MANAGER'S REPORT

The Manager reported the following:

- Public Hearing for Project Aiken, Economic Development Project for November 27 Commissioners' meeting
- Public Hearing for Golden Leaf Light Industrial Building for November 27 Commissioners' meeting, along with award of bid and contract, approval of project budget and appropriating funds
- Kudos:
 - Jessica McCall tax administration for NC Assessor's Certification
 - To all who planned and participated in the Veteran's Day Ceremony last Friday
 - Chad, Scott and Jeff in Parks from Joe Dapkins on prep work to get Silvermont ready for the Pumpkin Patch event
 - Frank Pearsall was presented with the "Certificate of Excellence" from the NC Department of Military and Veterans Affairs on October 26 at their Annual State Veteran's Service Officers Training
 - Attorney Misti Bass for going above and beyond to get the legal agreements coordinated and together for today's meeting
 - Darrell Renfroe appointed as permanent Social Services Director

PUBLIC COMMENT

Bill Page: Mr. Page thanked Commissioners and staff for their hard work on the projects that were brought forth for Commissioners' approval today.

COMMISSIONERS' COMMENTS

Commissioner Lemel reported she attended the second meeting of the Social Services Working Group at the UNC School of Government in Chapel Hill. She is one of four County Commissioners participating from across the State on this 18-member board which is looking at the restructuring of the delivery of social services in North Carolina. She pointed out that North Carolina flunked all 14 points of child welfare. The primary focus of this group is to look at the reorganization of child welfare services and additionally more collectively at the global delivery of health and human services. The group is being co-chaired by legislators representing Wake County and Wilkes/Surry County. She expects the output product to better serve the citizens of this State.

Commissioner Hawkins reported that he and Chairman Chapman will be in Raleigh on Thursday and Friday for the Rural Center's 2017 Rural Assembly, a gathering of stakeholders and elected officials from rural counties, in conjunction with the rural initiative being done by the Rural Economic Development Board. The initiative is far reaching, but it will be exciting to tie it in to Transylvania County.

Chairman Chapman thanked all those who participated in the Veterans Day Ceremony on Friday. Part of the agenda included recognizing a veteran who has serious health issues related to Agent Orange, yet he continues to serve veterans in this community in various ways. Corporal Johnny Martinez received recognition from all levels of government.

Commissioner Chappell reported that on November 29 the Federal Reserve Bank of Richmond, in partnership with the Workforce Development Board, is hosting a regional summit called Amplified WNC 2017. The purpose is to show how Western North Carolina can grow talent needed by local employers

while simultaneously improving region-wide economic mobility. Commissioner Chappell has been asked to participate as one of the panelists and he will be talking about work ready community certification achieved by Transylvania County. The event will be all day and includes several expert panelists. It will be held at AB Tech and is free and open to the public.

Commissioner Phillips thanked everyone for being in attendance today, noting the meeting room was nearly full. He reminded everyone that because of his fragile immune system, he won't be able to shake hands with the public and wanted to offer his apologies upfront. He thanked everyone for their continued thoughts and prayers.

Chairman Chapman moved to enter into closed session per NCGS 143-318.11 (a) (3) to consult with an attorney in order to protect the attorney-client privilege between the attorney and public body, which privilege is hereby acknowledged, after a 5 minute recess, seconded by Commissioner Lemel and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney in order to protect the attorney-client privilege between the attorney and public body, which privilege is hereby acknowledged, closed session was entered into at 11:17 a.m. Present were Chairman Chapman, Commissioners Chappell, Hawkins, and Lemel, County Manager Jaime Laughter, County Attorney Misti Bass, Social Services Administrative Officer Cindy Anders, Human Resources Director Sheila Cozart, and Clerk to the Board Trisha Hogan. The meeting was held in the Arthur C. Wilson, Jr. Conference Room.

Commissioners consulted with the attorney on a matter and directed staff on how to proceed.

Chairman Chapman moved to leave closed session, seconded by Commissioner Hawkins and unanimously carried.

OPEN SESSION

Chairman Chapman moved to seal the minutes of the closed session until such time that opening the minutes does not frustrate the purpose of the closed session, seconded by Commissioner Lemel and unanimously carried.

ADJOURNMENT

There being no further business to come before the Board, **Chairman Chapman moved to adjourn the meeting at 11:50 a.m., seconded by Commissioner Lemel and unanimously carried.**

Larry L. Chapman, Chairman
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board