

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**March 25, 2019 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, March 25, 2019 at 7:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

Commissioners present were Will Cathey, Jason Chappell, Vice-Chairman David Guice, Chairman Mike Hawkins, and Page Lemel. Also present were County Manager Jaime Laughter, County Attorney Misti Bass and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Derek McKissock

There were approximately 25 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding declared a quorum was present and called the meeting to order at 7:00 p.m.

**WELCOME**

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

**PUBLIC HEARING**

WATERSHED PROTECTION ORDINANCE OF TRANSYLVANIA COUNTY

County Planner Joy Fields presented information for the public hearing. The current Watershed Protection Ordinance was adopted in 1993. In 1995, the NC Environmental Management Commission amended their rules. The County amended its ordinance in 1997 to address these rule changes. The NC Department of Water Quality created a model ordinance that the Planning Board used as a model for the recommended changes to the existing ordinance. The public and property owners in or adjacent to the Water Supply Watershed were invited to attend the September 20, 2018 Planning Board meeting. The meeting was advertised in *The Transylvania Times* and staff mailed 12 invitation letters and maps to property owners. The Planning Board recommended the final proposed changes at its January 17, 2019 regular meeting.

Proposed changes to the ordinance include: 1) highlighting the administrator and Watershed Review Board in Article II; 2) clarifying the definition of Critical Area to be that area that drains to the water supply intake; 3) including exceptions; 4) streamlining process to a single permit; and 5) making other changes to ensure that the ordinance is easier to read and similar to other Transylvania County ordinances.

These changes were first presented to the Board of Commissioners during a regular meeting on February 25, 2019. Commissioners instructed staff to advertise for a public hearing during the second meeting in March. Staff asked Commissioners to receive public input on the proposed changes and consider adoption at a future meeting.

**Chairman Hawkins declared the public hearing open at 7:05 p.m.**

There were no comments from the public.

**Chairman Hawkins declared the public hearing closed at 7:06 p.m.**

This item will be placed on a future agenda for consideration by the Board.

#### **PUBLIC COMMENT**

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

Judith West: Ms. West spoke to the Board regarding County employees' salaries and the living wage. She is a representative of the Living Wage Coalition of Transylvania County. She informed the Board that the updated living wage rate for 2019 has increased from \$12/hour to \$12.60/hour. The Living Wage Coalition advocates a wage rate so that a person working full-time and earning paid time off can pay for housing and food without public or private assistance. The rate is derived based on the federal poverty guidelines for a single person. At 200% of the federal poverty guidelines, a person is ineligible for food stamps. Ms. West stated since very few low-wage earners work 40 hours per week, the Coalition sets the County's living wage rate based on 210% of the federal poverty guidelines for a single person. The Coalition understands this rate is not enough to support a family, but it is a fairer minimum than the State or federal minimum wage of \$7.25/hour. Ms. West informed the Board she has yet to review County employees' salaries this year, but she assumed, based on past experience, that most full-time employees make \$12.60/hour, particularly when the \$1.50/hour credit is factored in for employer-provided healthcare. In past years, the issue with wages has been with part-time employees. Ms. West encouraged the Board of Commissioners to ensure that all employees are paid a living wage as they consider the FY 2020 Budget.

Davis Whitfield-Cargile: Mr. Whitfield-Cargile said his understanding of the agenda item for courthouse space is a narrow issue for a set period of time in April. He felt the County would be capable of finding space for court during that time. He indicated he had read the supporting documentation in the agenda packet, including the letter from Judge Brittain asking the Board to reconsider a permanent solution to the courthouse issues. He pointed out a citizens' committee has been meeting regularly since the fall on this issue and they would like to present to the Board in the future. When the Board decides to reconsider the courthouse issue, he hoped Commissioners would invite public input.

#### **AGENDA MODIFICATIONS**

There were no agenda modifications from Commissioners or staff.

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

#### **CONSENT AGENDA**

**Commissioner Lemel moved to approve the Consent Agenda, seconded by Commissioner Guice and unanimously approved.**

The following items were approved:

DISCOVERY, RELEASE AND MONTHLY SETTLEMENT REPORT

Per NC General Statute § 105-312 (b), it is the duty of the Tax Administrator to see that all property not properly listed during the regular listing period be listed, assessed and taxed. The Tax Administrator shall file such reports of discoveries with the Board of Commissioners. Per NC General Statute § 105-381 (b), it is the duty of the Tax Administrator to provide a monthly report to the Board of Commissioners of the actions taken by the Tax Administrator on requests for release or refund, which shall be recorded in the minutes. For the February 2019 Report, tax dollars released was \$161.62 and refunds totaled \$496.09. Commissioners approved the Discovery, Release and Monthly Settlement Report for February 2019 as submitted.

PROCLAMATION-MONTH OF THE YOUNG CHILD AND CHILD ABUSE PREVENTION MONTH

Transylvania County Children's Advocacy Center Director Susan Huter requested the Board of Commissioners proclaim the month of April 2019 as Month of the Young Child and Child Abuse Prevention Month. The purpose of the proclamation is to focus public attention on the needs of young children and their families, to recognize the early childcare programs and services that meet those needs, and to call upon support for early childhood programs and the prevention of child abuse in our community. Commissioner Lemel read aloud the proclamation for the benefit of the public. Commissioners approved Proclamation #06-2019 Month of the Young child and Child Abuse Prevention Month.

**Proclamation # 06-2019  
Month of the Young Child and Child Abuse Prevention Month**

**Whereas**, in 1971 The Week of the Young Child™ was established by the National Association for the Education of Young Children (NAEYC), the world's largest early childhood education association; and

**Whereas**, the youth serving agencies of Transylvania County come together to celebrate The Month of the Young Child during the month of April 2019 to focus public attention on needs of young children and their families and to recognize the early childhood programs and services that meet those needs; and

**Whereas**, youth serving agencies of Transylvania County are collaborating to establish a countywide plan to prevent child abuse in our community; and

**Whereas**, we work to improve opportunities for our children knowing they are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets; and

**Whereas**, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development; and

**Whereas**, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

**Whereas**, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

**Whereas**, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

**Therefore**, the Board of Commissioners of Transylvania County does hereby proclaim April as The Month of the Young Child and Child Abuse Prevention Month and calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby supporting early childhood programs and preventing child abuse and strengthening the communities in which we live.

This the 25<sup>th</sup> day of March, 2019.

S: //Mike Hawkins, Chair  
Transylvania County Board of Commissioners

#### 2019 GENERAL SCHEDULE FOR LOCAL RECORDS

The NC Department of Natural and Cultural Resources removed the general records standards from all other local government schedules and combined them into one document. In order to be current on standards for records retention, they requested all local government agencies adopt the general schedule. A planned program schedule update is set for January 2020 for Agricultural Extension, County Management, and the Tourism Development Authority. Commissioners approved the 2019 General Schedule for Local Records, authorized Chairman Hawkins to sign the signature page and directed the Clerk to forward the signature page to the Records Management Analyst. The Clerk to the Board will ensure all departments have a copy of the schedule.

### **PRESENTATIONS/RECOGNITIONS**

#### PROCLAMATION-SOCIAL WORK MONTH

Each year March is celebrated as the National Social Worker Month. The Transylvania County Department of Social Services (DSS) employs 21 social workers who provide a variety of services to the County's most vulnerable population. Often social work is a thankless job, but social workers could not be more important. Social workers keep children and adults safe and provide support for all ages. DSS Director Darrell Renfroe requested the Board of Commissioners proclaim March as Social Work Month. Chairman Hawkins read aloud the proclamation.

#### **PROCLAMATION #08-2019 SOCIAL WORK MONTH 2019**

**WHEREAS**, the Social Work Profession is dedicated to enhancing well-being and helping meet the basic needs of all people, especially those who are vulnerable, oppressed and living in poverty; and

**WHEREAS**, this year's Social Work month theme, "Elevate Social Work" embodies the need to recognize the extraordinary contributions of the profession to our society; and

**WHEREAS**, the Social Work profession is expected to grow faster than average over the next seven years, with more than 682,000 people expected to be employed as social workers by 2026; and

**WHEREAS**, Social Workers elevate and empower people, giving them the ability to solve problems, cope with personal roadblocks and get the resources they need to succeed; and

**WHEREAS**, the Social Work profession is deeply weaved into our society with social workers active in government, schools, universities, social service agencies, communities, corporations, the military and in health care and mental health care settings; and

**WHEREAS**, Social Workers are the largest group of providers of mental health services in the United States; and

**WHEREAS**, Social Workers travel across the nation and world to help people in crisis, helping them overcome issues such as death and grief, epidemics, environmental pollution and natural disasters such as wildfires, hurricanes and floods; and

**WHEREAS**, Social Workers for decades have been in the forefront on social justice, pushing for equal rights for all people; and

**WHEREAS**, the Social Work profession for more than a century has been on the cutting edge of helping create changes to make our society a better place to live; and

**WHEREAS**, Social Workers stand ready to help our society overcome current pressing issues;

**NOW THEREFORE**, in recognition of the numerous contributions made by America's Social Workers, the Transylvania County Board of Commissioners proclaims the month of March 2019 as National Social Work Month and calls upon all citizens to join the National Association of Social Workers and the Transylvania County Department of Social Services in celebration and support of the Social Work profession.

This the 25<sup>th</sup> day of March, 2019.

S: //Mike Hawkins, Chair  
Transylvania County Board of Commissioners

**Commissioner Guice moved to approve Proclamation 08-2019 Social Work Month 2019, seconded by Commissioner Cathey.** Commissioner Guice stated he is a graduate of the social work program and spent 40+ years working to help citizens dealing with an array of issues to improve their lives for the better. He therefore understood firsthand the role of social workers in communities across the nation. He commended them for their dedication to their work. Their frontline work and the decisions they make have a great impact on the lives of citizens. Commissioner Guice expressed his sincere appreciation to the social workers in this community. Commissioner Lemel noted that Transylvania County was fortunate to be visited by NCDHHS Secretary Cohen last week. It was her first visit to Brevard and with DSS staff. Ms. Cohen was very complimentary and impressed by the work of DSS staff and the programs offered by the department. Commissioner Lemel stated the changes made in the department have been positive. She expressed pride in the staff of the Transylvania County DSS department. **The motion was approved unanimously.**

**PROCLAMATION-NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK**

April 14-20, 2019 is recognized as National Public Safety Telecommunications Week to honor the thousands of men and women who respond to emergency calls, dispatch professionals and equipment and render life-saving assistance to citizens. The Board of Commissioners is very proud of the Transylvania County 911 Communications Center's Telecommunicators and the vital service they provide to the citizens of Transylvania County and their fellow emergency services comrades. Chairman Hawkins read aloud the proclamation.

**Proclamation #07-2019**  
**National Public Safety Telecommunicators Week**  
**April 14-20, 2019**

**Whereas**, emergencies can occur at any time that require law enforcement, fire, rescue squad or emergency medical services; and,

**Whereas**, when an emergency occurs the prompt response of law enforcement, firefighters, rescue squad members, and paramedics is critical to the protection of life and preservation of property; and,

**Whereas**, the safety of our law enforcement officers, rescue squad members, and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Transylvania County emergency communications center; and,

**Whereas**, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

**Whereas**, Public Safety Telecommunicators are the single vital link for our law enforcement officers, rescue squad members, and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and,

**Whereas**, Public Safety Telecommunicators of the Transylvania County communications center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

**Whereas**, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

**Therefore, Be It Resolved** that the Board of Commissioners of Transylvania County declares the week of April 14-20, 2019 to be National Public Safety Telecommunicators Week in Transylvania County in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Signed this 25<sup>th</sup> day of March, 2019.

S: //Mike Hawkins, Chair  
 Transylvania County Board of Commissioners

**Commissioner Cathey moved to amend the proclamation to add rescue squad members (after each “law enforcement officers”), seconded by Commissioner Chappell.** Commissioner Cathey felt strongly that rescue squad member should be acknowledged. **The motion carried.**

**Commissioner Cathey moved to approve the amended Proclamation 07-2019 National Public Safety Telecommunicators Week, seconded by Commissioner Lemel and approved unanimously.**

#### APPOINTMENTS

#### NURSING AND ADULT CARE HOME ADVISORY COMMITTEE

In 2017, the Federal Long Term Care Ombudsman Program modified the Ombudsman Program guidelines. Since then, the NC General Assembly has been working to implement those changes through

new and updated legislation. One of the changes affected how volunteers are appointed to the Nursing and Adult Care Homes Advisory Committees. The new process for appointing volunteers is as follows:

1. Citizen completes application to serve on citizen advisory council
2. Citizen must complete training program with Regional Ombudsman
3. After training complete, name forwarded to State Long Term Care Ombudsman for approval/designation
4. County Commissioners notified of approval/designation

Last year Heather Stewart, Emily Ullmer, and Jane Wheelless completed the required training and the Board of Commissioners appointed them to an initial term of one year, which is set to expire March 25. Regional Ombudsman Carol Allison reported that they have been outstanding members and she recommended they be reappointed to a three-year term.

**Commissioner Lemel moved to reappoint Heather Stewart, Emily Ullmer and Jane Wheelless to the Nursing and Adult Care Home Advisory Committee for a term of three years, seconded by Commissioner Chappell.** Chairman Hawkins was appreciative of their willingness to participate in the necessary training and serve on such an important board. **The motion was unanimously approved.**

## NEW BUSINESS

### THIRD QUARTER BUDGET AMENDMENTS

Finance Director Jonathan Griffin presented the following third quarter budget amendments for approval:

#### **RECOGNITION AND APPROPRIATION OF REVENUE**

**#71:** This amendment recognizes additional revenues received from the State Aid for Libraries funds. Occasionally the State Library will increase pass-through funding to public libraries based on funds available in the State budget after it has been passed by the General Assembly. In this case, they have increased the appropriation to the Transylvania County Library by \$2,549. The Library Director proposed that these additional revenues be used to support operating supplies, online resources and promotional advertising for the Library.

**#73:** This amendment reflects a carry-forward of certain restricted revenues previously granted to the Sheriff's Office in prior fiscal years so that they can be expended in the current year. Particularly, these funds are donations made to the K-9 program and revenues received from the State Criminal Alien Assistance Program (SCAAP). These funds are in restricted fund balance.

**#75:** This amendment recognizes and appropriates additional revenue passed through the Land of Sky Regional Council to Transylvania County's Home and Community Care Block Grant programs. NCDHHS notified the local Council on Aging of this \$21,044 increase and the Council on Aging voted to divide it evenly between two CarePartners programs: Public Transportation department and Pisgah Legal Services.

**#76:** This amendment recognizes and appropriates revenue passed through the Land of Sky Regional Council to the Parks and Recreation department. They received \$7,128 to offset the cost of operating the Senior Center, which has been allocated to cover part-time wages, program expenses and supplies.

**#79:** The Public Health department received extra funds for its Maternal and Child Health program from NCDHHS in the amount of \$20,757. The Health Director proposes to increase operating and medical supplies within these grant budgets.

**#87:** The Soil and Water Conservation District's river clean up functions have received two separate allocations of revenue from State and inter-local sources in the amount of \$30,000. The original budget for this function was \$18,800 for the year. This amendment proposes to use the expanded revenues to increase that budget to \$48,800.

**FOR INFORMATION PURPOSES ONLY:**

Section 26 of the County's Budget Ordinance authorizes the County Manager to transfer up to \$50,000 from appropriations in the General Fund to other funds in the County budget without approval and requires that reports on those transfers be submitted back to the Board.

**#84** transfers \$14,122 from the General Fund to distribute the cost of the planned 1.9% cost of living increase in employee salaries in accordance with the FY 2019 Budget and personnel policies.

If approved, these amendments will increase the General Fund budget to \$54,838,211 and the Solid Waste Fund to \$2,998,322.

**Commissioner Lemel moved to approve the requested budget amendments, seconded by Commissioner Cathey.** Responding to Commissioner Guice, the Manager reported the County tends to spend between \$20,000 and \$25,000 annually on river clean-up. The focus is usually on the French Broad River and in areas where the lack of action would potentially create a log jam. The funding has been sufficient to prevent any major issues, but there is always a need. The County hears from citizens and property owners on a regular basis about issues. Commissioner Lemel recalled from a few years ago that a major log jam in Blantyre cost \$60,000 to clean up due to the County's inability to be proactive. She recognized and appreciated the TCTDA for their contribution of \$10,000 and Senator Edwards for the \$20,000 appropriation toward this effort and for recognizing the importance of the river to the County's tourism industry. Chairman Hawkins stated that Transylvania County has been proactive and innovative in ways which other counties are not. Transylvania County is the only county in the Land of Sky region that allocates public funding toward this effort. He thought it would be helpful for Jeff Parker, the Soil and Water District Supervisor, to provide a written report for the Board. Commissioner Guice stated he is very appreciative of the work that has been done, but he is concerned about future weather predictions of heavy rainfall and wants to ensure the County is getting the best use of its tax dollars in this area. **The motion was unanimously approved.**

IMMEDIATE NEED FOR COURTROOM SPACE

Assistant County Manager David McNeill attended a meeting on behalf of the Manager on Thursday while she was presenting at the WNC Early Childhood Workshop. The meeting was requested by the Clerk of Court, the Chief District Court Judge, and the Court Bailiff. Mr. McNeill attended the meeting along with two Commissioners. He updated the Board on the request for emergency courtroom space needs.

Mr. McNeill reported that the Clerk of Court requested to utilize County space for district court proceedings on five dates in April and May (April 30, May 6, 7, 9, and 16). Along with this request, the County received a letter from Chief District Court Judge Mack Britain regarding his concerns with the safety and functionality of the Courthouse.

There is a session of Superior Civil Court scheduled for the week of April 22-April 26, but the case being heard is now expected to last about four weeks. The District Court schedule had already been set utilizing the same courtroom during that time. They were left with two options - to either find an alternate location to hold court or postpone some of the court sessions to a later date. The Clerk of Court specifically requested to utilize Commissioners Chambers on the dates indicated above.

Upon receiving the request, County staff reviewed other alternatives and identified the Board of Elections conference room as a viable option for court use. Mr. McNeill offered the option of relocating Civil Superior Court only, but the Clerk of Court did not feel it would be adequate for jury space or to provide a separate judge's chambers.

The letter from Judge Brittain called attention to a few items of concern to him. Staff has made efforts to correct issues where they could. However, there are other some issues related to space needs and the condition and functionality of the small courtroom. In his letter, Judge Brittain stated that beginning July 1 he will no longer schedule any District Court functions in the small courtroom, other than Criminal District Court. Domestic, Child Support, Civil, Juvenile and DSS sessions will no longer be scheduled in the small courtroom. This will result in these hearings being delayed. If the court space is not addressed, there will continue to be delays in court proceedings.

The Manager referenced email correspondence indicating where staff had made efforts to find available facilities. The Election Center is an option, but it had previously been scheduled during two of the dates needed for court use. Staff will work with the users, at the Board's discretion, to reschedule those uses. Mr. McNeill added if the Board allows use of the Election Center space, it will be important for staff to devise a strategy to ensure safety and accessibility.

Commissioner Cathey inquired further about the two dates the Election Center has been scheduled for use by another party. The Manager reported one reservation was made by the School System for AP testing and the other was made by United Way for a TRAIN meeting. Commissioner Lemel asked if the School System has any flexibility with space for testing students. She noted the Rogow Room at the Library is free if so. She felt the TRAIN meeting would be easy to reschedule or relocate to a different facility. The Manager will inquire about the School System's requirements for AP testing.

Commissioner Guice asked about the capacity of Commissioners' Chambers, the Election Center conference room, and the Rogow Room. Mr. McNeill reported the capacity of Commissioners' Chambers and the Election Center conference room as the same if considering seating, which is approximately 100. The Rogow Room's capacity is between 175 and 200.

Commissioner Cathey asked if additional monies were needed for safety purposes, i.e. metal detection wands, safety stations, etc. Mr. McNeill said if the Board approves this location, staff will work with court staff on security procedures. His understanding is that court security intends to use wands for people entering and exiting the facility. It will take additional time to move people through, but it is necessary for everyone's safety.

Commissioner Guice asked how many they are expecting to attend court sessions on those days. Mr. McNeill reported the largest day has a docket of over 200 and they are still adding cases. The Manager stated that the two security concerns raised by County staff have been crowd control and no guarantee of safety due to the fact that court will be held in a facility other than the courthouse. County staff is willing to work with court officials to make the best use of the resources available.

Commissioner Cathey asked if the County has the ability to install video equipment for security purposes. Mr. McNeill informed Commissioners there are cameras in County Administration, the Election Center and the Library.

Commissioner Guice mentioned that parking would need to be accommodated because it is likely everyone involved in court on that particular day will arrive at the same time. This will also result in the commingling of victims, defendants, attorneys, etc. He stated it is difficult to understand setting aside the use of a large courtroom for a civil matter that will involve only a few people for a period of four weeks,

but having worked in the criminal justice system for many years, he is aware of the protocol. Yet, a letter from Judge Brittain expresses his concerns about the lack of adequate space to conduct court business. Commissioner Guice noted that the County has made several adjustments in the facility over the years to extend its use, but he stressed the importance of addressing this issue, especially for the safety of staff and all those who use and work in the Courthouse. For this specific request, he had difficulty with a civil case shifting a majority of court functions elsewhere and he felt the reverse should be true. Commissioner Cathey agreed this is not a proportional use of space.

Clerk of Superior Court Kristi Brown was in attendance and she requested to speak to the Board. Mrs. Brown thanked Commissioners for considering the court's request, understanding it is an inconvenient one. She stated the reason the large courtroom in the Courthouse is necessary to hold the Superior Civil Court case is because there is no other location that can accommodate a jury, with a separate and secure jury room to include facilities, or one that has a separate space for a judge's chamber. The Election Center conference room can be divided into two rooms, but the judge would have to pass through the jury room which is unacceptable.

Commissioner Guice wondered if it would be possible to accommodate a jury room and judge's chamber in the County Administration Building. The large conference room can accommodate the number of jurors needed and the Commissioners' office could be used by the judge. He felt this option would offer less disruption. As an attorney, Commissioner Cathey stated that he has held jury trials in alternate locations and there has always been ways to accommodate each party's needs. Mrs. Brown pointed out there would be a jury pool of 150 candidates before a jury is chosen. In addition, the Board of Commissioners and County staff would have to give up this space for four weeks instead of another location for only five days.

Commissioner Guice acknowledged there is currently a lack of adequate space in the Courthouse, but for this request he is trying to find a solution that will have the least amount of disruption. He stated he would also like to have meaningful discussion with Judge Brittain and other court officials regarding the decision not to use the small courtroom as well as other operational issues. Commissioner Guice pointed out these issues have been talked about for years and he is ready to find long term solutions.

Commissioner Lemel stated this is an extraordinarily complex issue that she did not feel competent in solving as a County Commissioner. She preferred to rely on the expertise of the Clerk of Court, the District Attorney, judges and staff to make the appropriate recommendations. She is willing to vote, if needed, to release facilities for this purpose. Commissioner Lemel stressed the Board needs to restart the conversation about seeking a long term solution for court functions.

Commissioner Chappell recommended for the immediate need to give staff the authority to choose the appropriate facility to accommodate court functions as requested. This should be done with input from the Board and in consultation with the Clerk of Superior Court.

Chairman Hawkins stated there is also a medium term issue that needs to be discussed as well. Once the Board makes a final long term decision, there will be a significant timeframe for completion. In the interim there could be situations like the one before the Board today that come up again. For that reason, he thought it was necessary to task staff with finding alternative space for court functions.

Commissioner Cathey asked if the County Administration Building was the only facility with limited access. Mr. McNeill reported the Election Center has limited access as well.

Mrs. Brown stated, as a citizen, she understands that something needs to be done to address court space and that the decision is a difficult one. As someone who works in the Courthouse daily, she wants to

ensure the right decision is made, but not as a response to an incident that has occurred. The safety of everyone in the facility is her main concern.

Commissioner Guice recalled a major civil case that occurred a few months ago and inquired about how that case was handled. Mrs. Brown stated this particular civil case was tried in the large courtroom and lasted for five weeks. The courtroom was secured daily as trial documents remained in the courtroom. The small courtroom was utilized for other court proceedings. However, other court schedules had not been made at the time, so staff was able to schedule dockets accordingly. For this situation, the court schedule has already been set. If there are no other options for locations, these court sessions will have to be cancelled.

Commissioner Guice said he would not recommend cancelling any court sessions. He stressed that Transylvania County does not have adequate courtroom space that is needed to handle court functions. He asked if there had been any consideration given to space that is in close proximity to the Courthouse that could be leased for additional space. He noted this may require a need for additional staff and security measures. He believed this request should be a wake-up call to Commissioners that court officials have specific courtroom needs that must be met as soon as possible.

Commissioner Cathey suggested using the large courtroom for jury selection and then moving the trial to an alternate facility. Mrs. Brown responded it would require a jury chambers that no one else would have access to for the duration of the trial, in addition to their own facilities, and a judge's chamber. Her understanding is the Election Center conference can be divided into two rooms, but the judge would have to pass through the jury room upon leaving the bench which is unacceptable.

Chairman Hawkins stated there are several issues that cannot be resolved at this meeting. He agreed with Commissioner Chappell's suggestion to authorize staff to work out a solution.

**Commissioner Cathey moved to authorize staff to work with court officials to find the best solution for court functions as requested and that court functions be prioritized over other uses in County facilities, seconded by Commissioner Guice.** The Manager stated she will be working toward helping the Board find medium and long term solutions for court space. Chairman Hawkins stated that informally Commissioners have talked about restarting conversations about long term solutions because they recognize the need and are cognizant of their responsibilities. He expects the Board to begin looking at long term solutions sometime this year. **The motion carried unanimously.**

#### MANAGER'S REPORT

- Kudos to Clerk to the Board Trisha Hogan for being inducted as the Secretary of the NC County Clerks Association
- Kudos from Shelia Carland, Business Office Manager for Comporium, to EMS, Parks and Recreation, DSS, Fire Marshal, Cooperative Extension for sharing information on their services at the Comporium Health Fair this month.
- Kudos to Local History Librarian Marcy Thompson from City Manager Jim Fatland for her assistance with historical research
- WNC Early Childhood Conference was held last week with NCDHHS Secretary Dr. Cohen and Sesame Street; Fourth Annual Kindergarten Readiness Rally followed conference

#### **PUBLIC COMMENT**

There were no comments from the public.

## COMMISSIONERS' COMMENT

Commissioner Lemel reported that the WNC Early Childhood Conference was a great success with just over 100 in attendance. NCDHHS Secretary Dr. Cohen was the keynote speaker. She spoke about the role of NCDHHS across the State, focusing specifically on the Early Childhood Action Plan that was rolled out at the State level in February. The goals of the Early Childhood Action Plan fit closely with the goals Transylvania County had already established for its early childhood program. Dr. Jeanette Betancourt, Senior Vice President for US Social Outreach spoke on the role of Sesame Street in Communities in supporting early childhood and young families. Commissioner Lemel and the Manager shared their story on how they got started focusing on early childhood in Transylvania County. The conference was an opportunity for other communities to learn how to organize themselves around the topic of early childhood and make a difference for the young children in their communities. The conference attracted several special guests, including representatives from Dogwood Trust, Pisgah Health Foundation, National Association of Counties, and counties from as far away as Wilson County and the Piedmont/Triad. The Kindergarten Readiness Rally kicked off in the afternoon. Sesame Street brought Grover which was very exciting for the kids. More than 400 people attended the rally which included more than 105 children. Everyone was excited to be part of the day's events. Commissioner Lemel stated that the County is now having ongoing conversations at the State and national level about how we can help scale our project to serve more citizens across the State. She said the GetSet initiative is one in which everyone should be extremely proud because it has truly put Transylvania County on the map. She thanked everyone for their support.

Chairman Hawkins emphasized that the conference was a very big deal in the world of early childhood in North Carolina. What this group is doing is reverberating across the State and nation. All those who have been working on this effort, especially Commissioner Lemel, the Manager and the GetSet partners, are to be commended. Most importantly, this effort is ensuring that services are being provided to our youngest and most vulnerable citizens.

**Chairman Hawkins moved to enter into closed session per NC General Statute § 143-318.11 (a) (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct, after a 5 minute recess, seconded by Commissioner Lemel and unanimously carried.**

### CLOSED SESSION

Pursuant to NC General Statute § 143-318.11 (a) (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct, closed session was entered into at 8:30 p.m. Present were Chairman Hawkins, Commissioners Cathey, Chappell, Guice, and Lemel, County Manager Jaime Laughter, County Attorney Misti Bass, Finance Director Jonathan Griffin, District Attorney Greg Newman, and Clerk to the Board Trisha Hogan.

The Board of Commissioners received a report from staff and the District Attorney regarding an investigation of alleged criminal misconduct.

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

### OPEN SESSION

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

**ADJOURNMENT**

There being no further business to come before the Board, **Chairman Hawkins moved to adjourn the meeting at 9:00 p.m., seconded by Commissioner Chappell and unanimously carried.**

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board