

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
January 8, 2019 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Tuesday, January 8, 2019 at 9:00 a.m. in Commissioners' Chambers at the County Administration Building located at 101 S. Broad St., Brevard, NC.

Commissioners present were Jason Chappell, Vice-Chairman David Guice, Chairman Mike Hawkins, and Page Lemel. Commissioner Will Cathey was absent. Also in attendance were County Manager Jaime Laughter and Clerk to the Board Trisha Hogan. County Attorney Misti Bass participated remotely. Commissioner Chappell will be presenting an award at the Workforce Development Board ceremony in Asheville later this morning and will need to be excused early from the meeting.

Media: *The Transylvania Times* – Derek McKissock

There were approximately 30 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding certified that a quorum was present and called the meeting to order at 9:05 a.m.

WELCOME

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

PUBLIC HEARING

PROPOSED VOLUNTARY AGRICULTURAL DISTRICT AND ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE

Cooperative Extension Director Bart Renner presented information for the purpose of the public hearing on the revised Voluntary Agricultural District Ordinance. As a strong supporter of the agriculture community in Transylvania County, Mr. Renner believes this is a very important program. The proposed changes outlined in the ordinance will benefit farmers and assist them in being responsible stewards of the land. Mr. Renner reminded Commissioners that the proposed changes have been reviewed and approved by all participating State and County organizations – Agricultural Advisory Board, Planning Board, Soil and Water Conservation District, Natural Resource Conservation Service, Tax Administration, and Register of Deeds.

The Board of Commissioners has the legal authority to implement this program according to NC General Statute § 106-738(b). The maintenance and control of the program reside at the County level.

The original ordinance was adopted in 1996. To date, there are 31 farms enrolled in the program. If the proposed revised ordinance passes, Mr. Renner expects there to be an increase in participation. The recommendation for agricultural districts was included in the Farmland Protection Plan that was approved by the Board of Commissioners in 2009 as a tool for preserving farmland.

The program has a variety of benefits. The primary point of the program is public awareness of farmland and activities that potentially occur on farmland for the purpose of preventing nuisance lawsuits and creating a greater level of respect and understanding for farmers and their practices. It is a statewide program with the vast majority of the counties in the State participating successfully. Currently 88 counties have voluntary agricultural district programs.

Mr. Renner reported two major changes to the ordinance. First, present use value is no longer a requirement. Second, it includes an option for an enhanced voluntary agricultural district which is irrevocable for a 10-year period. Mr. Renner stated it is important to note that the ordinance does not give local governments the authority to enact or apply zoning. It is a local program and does not affect the County's tax base. The program is completely voluntary and temporary.

Chairman Hawkins declared the public hearing open at 9:13 a.m.

Curtis Burnside: Mr. Burnside and his wife are the owners of Sospiro Goat Ranch in Transylvania County and they have been farming in the County for seven years. He reported that his family's 15-acre farm is currently enrolled in the VAD program. He shared some of the benefits he feels results from membership in the program. They currently raise meat goats, meat rabbits, and pigs on a working family farmstead helping to increase local food resiliency by assuring a steady source of natural clean food for the community. The farm has been a source for 4-H and FFA who obtain young meat goats for show purposes. They host numerous groups on their property for the purpose of helping them understand the importance of small farmers to the local economy and nation. Mr. Burnside said the main reason he and his wife participate in the VAD program is the benefit of increased protection from nuisance lawsuits and other negative impacts that can sometimes be experienced by small farmers. Mr. Burnside was concerned about disconnect between people and their food, which he felt was extremely dangerous. Therefore, VADs and EVADs are necessary because family farms are rapidly dying out due to big agri-business. The loss of family farming reduces a community's food resiliency and access to clean, naturally processed food. Mr. Burnside stated that family farms will continue to be wiped out of existence unless important initiatives such as these are maintained on a local basis. He hopes the Board of Commissioners will continue to provide and possibly increase the financial and legal enhancements for reimbursements, tax incentives and protections afforded to farm owners in Transylvania County through approval of the revised ordinance.

Carroll Parker: Mr. Parker is a local farmer. He read an excerpt from a book written by Kentucky author Wendell Berry referencing the impacts of industrialization of agriculture on our society. Industrialization appears to have caused a lost sense of community where people no longer rely on each other. As locals move away from their communities, so goes the knowledge and memories of the local culture. When a community loses its members, people no longer know one another and their stories, which creates mistrust and fear of others. People then refuse to help others and everyone appears to live in jeopardy of being sued. Mr. Parker feels this is the current situation of our nation and for this reason there is extreme value in continuing and expanding agricultural districts.

Devin Gentry: Mr. Gentry is the Director of the Cradle of Forestry, a current member of the Agricultural Advisory Board, an organic farmer and local beekeeper. Mr. Gentry is very interested in preserving and protecting agriculture and the agricultural heritage of this County. He pointed out agriculture is the number one industry in North Carolina. Therefore, anything we can do to promote agriculture is positive. He commented that forestry is also a form of agriculture. Transylvania County is the birthplace of forestry and it is very important to preserve that legacy. Mr. Gentry stated that people's perception of how land is being used is sometimes not in line with what is actually happening to the land, i.e. cutting trees, tilling land, etc. Therefore, to him, it is becoming ever more important to protect agriculture. Mr. Gentry pointed out that both the Voluntary and Enhanced Voluntary Agricultural Districts require land

conservation plans, so it is better for the land in general to ensure both land and water remain in a quality state.

John Witherspoon: Mr. Witherspoon is the Chair of the Agricultural Advisory Board. He thanked Cooperative Extension Director Bart Renner for his work and dedication to facilitating the process of discussion and getting it to a point of presentation to the Board of Commissioners. He said the Agricultural Advisory Board believes this program is an important way to support agriculture and to encourage local farmers to reinvest in their farms. He asked the Board of Commissioners to support the proposed ordinances.

Chairman Hawkins declared the public hearing closed at 9:23 a.m.

The consideration of this ordinance will be added to the Board's agenda on January 28, 2019 or shortly thereafter.

PUBLIC COMMENT

There were no comments from the public.

AGENDA MODIFICATIONS

There were no agenda modifications from Commissioners or staff.

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

CONSENT AGENDA

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

The following items were approved:

RESOLUTION IN SUPPORT OF DEPARTMENT OF ENVIRONMENTAL QUALITY LANDSLIDE MAPPING OF TRANSYLVANIA COUNTY

The Transylvania Natural Resources Council requested Commissioners consider a resolution urging the NC Department of Environmental Quality to conduct landslide mapping in Transylvania County and make such mapping available to the public via the County's GIS. This is in relation to the \$3.6 million that the NC General Assembly budgeted for this purpose.

Resolution #01-2019 Resolution in Support of NC Department of Environmental Quality Landslide Mapping of Transylvania County

Whereas, the FY 2019 State budget for the Department of Environmental Quality includes funds to conduct landslide mapping in Transylvania County to include a GIS Layer compatible with the County GIS; and

Whereas, the existence of accurate landslide maps will be important to future businesses and homeowners seeking to relocate to Transylvania County; and

Whereas, landslide maps are considered to be important to economic development in our rural county dominated by disturbed earth from existing development, average annual rainfall over 71 inches, and many steep slopes; and

Whereas, accurate landslide maps would be a valuable assistance to County Emergency Services functions; and

Whereas, landslide maps should be readily available to the public through the County GIS; and

Whereas, Commissioners of Transylvania County have already expressed their gratitude to Senator Chuck Edwards and Representative Cody Henson for interceding on behalf of Transylvania County to receive such consideration;

Be it therefore resolved that Commissioners of Transylvania County request that such mapping be commenced as soon as funds become available; and

Be it further resolved that landslide maps, when they become available, will be accessible to the public through the County GIS.

Adopted this the 8th day of January, 2019.

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

APPOINTMENTS

REVIEW OF COUNTY COMMISSIONER APPOINTMENTS

Commissioners serve on a variety of boards and committees. The Clerk provided a current list of Commissioner appointments. She requested Commissioners review the list for accuracy and determine if they want to continue serving in their current capacities, especially being that two new Commissioners have been seated on the Board.

Personnel Board

Commissioner Chappell noted that Commissioner Guice has expressed an interest in serving on the Personnel Board and he is willing to step down to accommodate his interest. With Commissioner Guice's work history at the State level, he thought his appointment to the Personnel Board would be a great fit. Commissioner Guice confirmed his interest in serving on the Personnel Board. He pointed out the Personnel Board has an upcoming meeting and thought it would be important to make the appointment now. The Personnel Board is about to begin its work on the employee compensation and classification study.

Commissioner Chappell nominated and moved to appoint Commissioner Guice to serve on the Personnel Board, seconded by Commissioner Lemel and unanimously approved.

Chamber of Commerce Board of Directors Ex-Officio Member

Commissioner Chappell requested discussion on the Chamber of Commerce Board of Directors appointment at the next meeting. He had agreed to serve in this capacity until the Board decided who should be the appropriate appointment: County Commissioner or staff member as a designee.

Vaya Health County Commissioner Advisory Council

Commissioner Lemel reported that most of her appointments are active and are Health and Human Services related. She was satisfied with her current service. She reported she has been asked to serve on the Vaya Health Board of Directors which would be a step up from the County Commissioner Advisory Council. If she agrees to serve in this capacity, it would add to her workload.

Rural Planning Organization/French Broad River Metropolitan Planning Organization

Commissioner Chappell stated if another Commissioner is interested in serving on either of the Rural Planning Organizations for transportation coordination that he would be willing to step down.

BOARD OF HEALTH – COUNTY COMMISSIONER APPOINTMENT

NC General Statute § 130A-35 governs the makeup of county boards of health and states that it shall include a county commissioner. Former County Commissioner Kelvin Phillips served in this role until his term ended as County Commissioner following the last election. Staff asked the Board to appoint a County Commissioner to serve on the Board of Health.

Chairman Hawkins nominated and moved to appoint Will Cathey to serve as the County Commissioner representative to the Board of Health, seconded by Commissioner Chappell and unanimously approved.

TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY – COUNTY COMMISSIONER APPOINTMENT

The resolution creating the Transylvania County Tourism Development Authority requires a County Commissioner serve as a member. Chairman Hawkins currently represents the County Commission as a member of this board. His term ended December 31, 2018. He would like to continue to serving in this role, but expressed he is willing to step aside if another Commissioner has interest in serving. Staff requested the Board appoint a County Commissioner to serve on the Transylvania County Tourism Development Authority.

Commissioner Lemel moved to reappoint Chairman Hawkins to the Transylvania County Tourism Development Authority, seconded by Commissioner Guice and unanimously approved.

NEW BUSINESSSCHOOL PROPERTY PURCHASE

In North Carolina, boards of county commissioners are responsible for providing local funds to purchase property and provide school facilities. For this reason, the statutes require that when a board of education/public school system determines that property is no longer useful, the property must be declared surplus and offered to the board of commissioners for purchase before it can be sold or leased to another party. Additionally, statutes require that proceeds from a sale be used to pay down capital debt for schools, which is a local expense funded by local tax dollars.

The Manager reported that on November 21 *The Transylvania Times* published an article covering the Transylvania County Board of Education's meeting where a resolution was adopted to surplus property on Ecusta Road that is currently being used as a baseball field by Transylvania Little League and is located adjacent to the City of Brevard Sports Complex Transylvania County Parks and Recreation. There are additional ballfields being used on both City- and County-owned property. The article reported the Superintendent was instructed to first offer the property to the Board of Commissioners, and then move forward with a lease to the City of Brevard to maintain the property as a ballfield. The County Manager contacted the Superintendent immediately to inquire further and she was informed that the County would receive a copy of the adopted resolution.

Superintendent Jeff McDaris forwarded the resolution to the County Manager on November 26. Upon being asked what just compensation the Board of Education intended to request, a follow up email from Superintendent McDaris indicated that if the County expressed interested in purchasing the property, the Board of Education would likely withdraw the offer.

Further investigation revealed the City's insurance carrier is concerned about the City maintaining the property without a lease or owning it outright. Email correspondence between Superintendent McDaris and City Manager Jim Fatland discussed the School System leasing the property to the City of Brevard for \$1/year and the City continuing to maintain the property to meet their contractual arrangement with the Transylvania Little League. The agreement would allow for the City to retain revenue received from the Transylvania Little League for their purposes. The email correspondence also mentioned the City's ability to receive grant funds.

Commissioners have the option of considering the purchase of the property or declining the offer so that the School System may lease the property to the City. The Manager asked Commissioners to consider several factors. The long term use of the property could change depending on the requirements set forth in the lease. If that were to occur, any revenue generated as a result would not go toward reducing capital debt on behalf of taxpayers as statutes suggest they should. Secondly, the County has the same ability to seek grants and lease property. If Commissioners support the Board of Education leasing the property to the City of Brevard, the Manager advised them to request that the Board of Education include two provisions to their recently adopted resolution and future lease agreement with the City.

1. That the lease state that if the property ceases to be used as a ballfield for more than one season, the lease is void.
2. That all revenue received on the property is to be used to offset the capital debt for education.

Any proceeds from a purchase, if executed, would go to offset education capital debt as required by statute. The tax value on the property is \$45,000. The property has not been appraised. If Commissioners have a desire to purchase the property, they should direct staff to order an appraisal.

The Manager recommended Commissioners give direction to staff on how to respond to the resolution as presented from the Board of Education.

In addition to the provisions suggested by the Manager, Commissioner Lemel expressed she wants the property to remain in use as a ballfield. She was not interested in the County acquiring the property. With that said, should the lease become void in the future, she asked if the County would have another opportunity to purchase the property if it is again declared surplus. The Manager stated her understanding of the statute is that if the lease were to be voided, the Board of Education would have to once again offer the property to the Board of Commissioners. She recommended Commissioners request the Board of Education include this provision as well so that the intent of both Boards is clearly articulated.

Commissioner Guice stated he was bothered by the email from the Superintendent referencing withdrawal of the offer if the County showed interest in purchasing the property. To him, it does not matter who leases the property. He was concerned about there being a deficit and a need for County-owned recreation space. He saw this as an opportunity for the County to potentially obtain the property and use it for recreational purposes. He expressed he has always been very supportive of Transylvania Little League. Commissioner Guice found it interesting that there is a concern about liability now when operations have remained the same for years. He fully agreed with the recommendation that any revenues received from the lease of this property should go toward capital debt.

Chairman Hawkins echoed Commissioner Guice's comments that the goal is for the continued use of this property as a ballfield. It also made no difference to him who leased the property. However, if the County made an offer to purchase the property and the School System rescinded the offer, and if the lease agreement needs to be in place in order for the City to be insured properly, that should be considered as well. With that said, he did not see this issue as being a big deal.

Commissioner Chappell commented this issue was not critical to him. He agreed with including the provision requesting that the use of the property remain as a ballfield; otherwise, the lease should be voided. He also wanted to ensure the Board of Commissioners once again would have right of first refusal.

The Manager stated if Commissioners are concerned that the County would not be afforded another opportunity to purchase the property should its use change, they could include a provision requesting the Board of Education to include it in their resolution. Commissioner Chappell pointed out there was a reason the statutes were designed in this manner.

Commissioner Lemel moved that the Board of Commissioners requests the Board of Education to include three additional provisions in the resolution:

- 1. That the lease state that if the property ceases to be used as a ballfield for more than one season, the lease is void.**
- 2. That all revenue received on the property is to be used to offset the capital debt for education.**
- 3. That should the lease be voided, the property will be offered first to the County per general statutes.**

The motion was seconded by Commissioner Chappell. Commissioner Lemel clarified that the Board wants the property to remain in use for recreational purposes and that this should be seen as a countywide effort to provide this opportunity for children and citizens. The Manager informed the Board that once she receives a revised resolution from the Board of Education, she will add it to a future meeting under Consent Agenda as an official action to decline the purchase and allow for the lease to commence with the City of Brevard. Chairman Hawkins stated that he wanted to understand the Superintendent's email that if the County exercised its statutory right to purchase the property, the School System would withdraw the offer. He hopes to have the conversation to find out why this comment was made. **The motion passed unanimously,**

NONPROFIT CONTRACT AMENDMENT REQUEST

Finance Director Jonathan Griffin presented this item. He reported that from 2012 to 2014, the North Carolina General Assembly revisited the types of legally permitted relationships between local government units and private entities such as nonprofit organizations several times and in doing so clarified the law to create new accountability standards and clarify the circumstances under which a local government unit could appropriate to a privately controlled entity.

To comply with the new State laws, Transylvania County adopted a nonprofit funding policy that requires each participating organization to execute an agreement holding them to certain standards. The agreement clarifies the roles of both parties and outlines the process and legal requirements related to receiving appropriations from the County's general fund.

Brevard College has yet to execute the FY 2019 agreement. Brevard College has requested two amendments to their agreement. Mr. Griffin noted that the staff member he has been working with at Brevard College is no longer employed there. He will determine who to work with on contracts depending on the Board's action today.

Brevard College's first request was for additional consideration in the text concerning the due date for their audited financial statements. State law indicates when local governments appropriate money to private entities, depending on the amount appropriated, that certain financial statements must be prepared. Due to the amount appropriated to Brevard College, the County must receive a copy of their audited financial statements.

Secondly, Brevard College asked for an amendment releasing them from the requirement that the governing board of their organization makes its meetings open to the public; instead, they would publish only the minutes of those meetings. Mr. Griffin pointed out the transparency requirement is not outlined in statutes. Rather, it is subject to the Board of Commissioners. It was included in the agreement in the spirit of promoting transparency and accountability among organizations that partner with the County with the thought being that if an organization accepted taxpayer funding, it should behave the same way as a County department.

The compromise position proposed by Brevard College staff achieves many of the same transparency goals and would perhaps be easier to administer in the future if made a regular part of the County's nonprofit agreement. Brevard College is the first organization to formally request amendments to their agreement. At the staff level, when other organizations have requested amendments they have been informed that their request would have to go before the Board of Commissioners.

Mr. Griffin asked Commissioners to consider the requests by Brevard College.

Commissioner Lemel moved to allow changes in the text concerning due dates for audited financial statements to give them flexibility within a reasonable time period after the close of their fiscal year, seconded by Commissioner Chappell. Commissioner Chappell said it makes sense to allow Brevard College some flexibility because every organization is different in terms of their finances. He supported the motion as long as changing the due date does not interfere with the County's budgeting process. Commissioner Guice inquired how much additional time was needed to turn in their audited financial statements. Mr. Griffin reported Brevard College requested a due date of May 31. Because they are an academic institution, they do not necessarily operate under the same fiscal year practice as the County. The requested due date should not impact the Board's decision-making on the budget. Chairman Hawkins clarified that this request affects only the FY 2019 contract. Commissioner Lemel was supportive of applying the change to other organizations. Commissioner Guice pointed out that no other organization has requested modifications to their contract, so he was hesitant about agreeing to allow changes across the board. He was also concerned that it might affect staff's ability to prepare the budget recommendation in a timely manner. Commissioner Chappell interpreted the motion to be in effect for FY 2019 only. **Commissioner Lemel moved to amend the motion to apply specifically to the Brevard College contract, seconded by Commissioner Chappell.** The Manager pointed out the application process for FY 2020 opens up to organizations in six weeks and staff will address these issues upfront during the contract process. **The amended motion carried unanimously. The main motion carried unanimously.**

Commissioner Lemel moved that the Board of Commissioners be willing to accept the printed minutes of the meetings in lieu of requiring Brevard College to open their board meetings to the public, seconded by Chairman Hawkins. Commissioner Lemel served on the committee to review the nonprofit applications. She said she believes strongly in transparency of operations and in being good fiscal agents for public funding. She suggested as a method for addressing threshold requirements to consider the percentage of their operational budget that is funded by County dollars. The Manager pointed out that the financial reporting is driven by statutes. She said Commissioner Lemel's suggestion could be applied to other provisions, such as the transparency requirement. The transparency goals in the policy are unique to Transylvania County and can be modified to the Board's liking, but the financial

thresholds for auditing purposes and financial reporting are required by law. For future contracts, staff could develop a transparency policy for open meetings based on certain thresholds. Commissioner Guice thought it was important for their meetings to be open to the public regardless of the level of funding received from the County. He was also concerned about having different reporting and transparency requirements for agencies and the unintended consequences of doing so. He pointed out that if organizations do not want to comply with the County's policy, they do not have to accept the funding. Commissioner Chappell stated that regardless of the amount of funding provided, the dollars come from taxpayers and their meetings should be advertised and open to the public; therefore, he did not support this request. Chairman Hawkins said the County provides support for a wide variety of organizations. Some of them have proprietary or confidential information making the open meetings requirement a hardship. He saw the request from Brevard College as a reasonable alternative to the nonprofit funding policy. He agreed that organizations do not have to accept County dollars, but he hoped to avoid issues by allowing some flexibility. Commissioner Lemel pointed out the County's support equates to 0.13% of their total operating budget. The College is willing to publish their minutes and they provide their complete financial audit to the County. The nonprofit policy is fairly new and has been modified to address issues like these. She supported their request. **The motion failed as the vote was a 2-2 tie (Chairman Hawkins and Commissioner Lemel-aye; Commissioners Chappell and Guice-nay; Commissioner Cathey-absent).**

CASH MANAGEMENT POLICY

Finance Director Jonathan Griffin presented this item. In reviewing some of the County's financial policies and procedures with the auditors during their review of FY 2018 financials, staff found that the cash management policy needed revisions. While current practices are in line with generally accepted accounting principles and the Budget and Fiscal Control Act, the County's written policy does not reflect actual practices. The proposed documents outline existing practices and their relevant statutory citations and differ from the current policy in three ways.

1. Clarifies the role of the Finance Director and departments in accepting cash.
2. Outlines how cash received from the investment of idle funds is allocated across the County's finances.
3. Removes the reference to employee check cashing in the prior policy as it is not legal for the County to process these under the NC Local Government Budget and Fiscal Control Act.

Mr. Griffin requested Commissioners approve the updated policy as presented.

Commissioner Chappell moved to approve the updated policy as presented, seconded by Commissioner Lemel. Commissioner Lemel thanked Mr. Griffin for his work. She was appreciative of the details and ensuring the County is in compliance with State law. **The motion carried unanimously.**

BUDGET AMENDMENTS

Finance Director Jonathan Griffin presented this item. Based on Section 26 of the FY 2019 Budget Ordinance, the Board of Commissioners requires certain budget amendments to come before them for approval.

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

RECOGNITION AND APPROPRIATION OF REVENUE

#55: This amendment recognizes revenue received from the North Carolina Department of Public Safety and appropriates it to the equivalent line item to reflect funding passed through to the Children's Center of Transylvania County. The Board previously considered Amendment #32 which had the same purpose

as this amendment. This amendment will close out the 2016-2018 grant received by the Children's Center passed through the County.

#62: This amendment reflects recognition of revenue and appropriation of funds passed through the Federal Transit Administration via the North Carolina Department of Transportation's Public Transportation Division. This budget amendment is related to a grant application originally presented to the Board of Commissioners at their October 10, 2017 meeting. It leverages federal appropriations passed through NCDOT to increase the size of a currently operated \$52,000 to increase the budget to \$104,000.

#63: This amendment recognizes and appropriates new revenue appropriated to Transylvania County for the Early Childhood Initiative in the most recent budget of the State of North Carolina. This special appropriation was allocated through the North Carolina Department of Health and Human Services. As the Early Childhood Initiative has been an effort closely managed by County Administration, this amendment reflects a reduction in fund balance appropriated to represent that some of the appropriation is offsetting previously budgeted salaries and growth in two expense line items to represent where staff had been allocating payments related to the ECI.

#64: This amendment recognizes and appropriates new revenue passed through the North Carolina Department of Public Safety, which the County then passes on to The Children's Center of Transylvania County. This budget amendment reflects the anticipated federal/state revenues for year one of the new 2019-2021 grant for the Children's Center and amends FY 2019 to reflect the anticipated revenues and expenditures. Staff will include the second year of this grant in the FY 2020 budget.

#70: The Public Health Department received a \$9,706 grant from the North Carolina Department of Health and Human Services' Public Health Preparedness Bright Ideas grant program. This grant will fund the acquisition of upgraded telephone equipment and survey tools compliant with the requirements of HIPPA in the current fiscal year.

Commissioner Lemel moved to approve budget amendments #55, #62, #63, #64, and #70, seconded by Commissioner Chappell.

Mr. Griffin reviewed the following budget amendments that do not require Board approval:

FOR INFORMATION PURPOSES ONLY:

#56: 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.

Budget Amendment #56 is the first such amendment this fiscal year that transfers appropriations between the General Fund and another fund, in this case, the Solid Waste enterprise fund. Staff presents this amendment directly to the Board for their approval as an alternative procedure for making the Board aware that this transfer has occurred.

#65: The County's workers compensation policy audit for FY 2018 came back with an unfavorable variance. Between cost of living adjustments for employee salaries and positions added to the budget mid-year, the premium paid was insufficient to cover the cost of the FY 2018 policy. Staff has transferred funds from the budgeted contingency to cover this difference.

(Commissioner Guice asked for clarification on this budget amendment. The Manager stated that during the budget process staff provides estimates based on payroll and salaries. The NCACC then bills the

County the premium, which is included in the budget. After the year closes, an audit is conducted to determine if a credit is owed to the County or if the County owes additional premium. This is standard practice and routine for all local governments in North Carolina. The challenge is making predictions over an 18-month period. This is not tied to the County's financial audit; rather, it is a programmatic audit. It does not affect coverage. The County was fully covered during the period regardless of the outcome of the premium at year's end.)

#69: The planned purchase of iPads to assist with NC FAST implementation for Transylvania County's Department of Social Services Child Protective Services division required adjustment. Other counties implementing NC FAST have found that iPads are insufficient to meet the needs. As a result, County IT determined a plan to accelerate replacement of computer workstations for DSS in a way that would meet the needs of NC FAST implementation; however, the \$6,000 originally budgeted for iPad purchases was insufficient to meet this need.

If approved, these amendments will increase the General Fund budget to \$54,729,852 and the Solid Waste Fund to \$2,984,100.

The motion carried unanimously.

MANAGER'S REPORT

- Preliminary analysis on participation/engagement in Board of Commissioners' meetings comparing 35 meetings where both monthly meetings were held at night after the change to one daytime and one night meeting per month
 - While staff is still analyzing the data and reviewing for outliers, the average attendance went up slightly to 42.1 according to the minutes after the schedule changed; previously the average was 38.8
 - Removed cancelled meetings
 - Data collected from minutes of each meeting
 - Public comments averaged 3.94 prior to change and 3.14 following switch to new schedule
 - Public hearings will have to be reviewed further since public hearings are not held during all regular meetings
 - Comparison found no significant difference in attendance or participation
 - Manager will provide Commissioners with the detailed spreadsheets of staffs' work for their review (Commissioner Lemel asked for data on how many people are watching the meetings online through Livestream or Facebook Live.)
- Reviewed all 100 county websites for the posted regular meetings schedules of Boards of Commissioners and found that there is a wide variety of meeting times and days of the week, but in general:
 - 26 Counties have one monthly board meeting
 - Of the remaining counties, all held two monthly board meetings with this breakdown:
 - Both workday meetings: 5
 - Both night meetings: 39
 - One workday and one night per month: 28
 - Other: 1 (agenda workshop starts in workday followed by regular meeting)
- Wind chill warning to go in effect tonight; staff monitors these issues to ensure the safety of citizens; briefing with National Weather Service as there is the potential for winter weather this weekend; County responsible for emergency management; updates will be posted to Facebook
- Kudos to Pam Newman in the Department of Social Services for being awarded the Employee of the Year at the Employee Christmas Luncheon

- Kudos to Kevin Shook, Communications Director for being named Department Head of the Year at the Employee Christmas Luncheon
- Kudos to Animal Services for achieving a 93% live release rate for 2018; great job to staff, volunteers and partner agencies; State Veterinarian Dr. Norris expressed her appreciation for how hard the department has worked to achieve this rate; in 2017, the average live release rate across the State was 51%; a press release will be shared with the public soon
- Thank you to Representative Chuck Edwards for his active assistance in assuring Transylvania County can leverage the special appropriation for French Broad River debris clean-up; introduced legislation to help ease the process
- Mary Ann Hollocker has joined the County's legal team part-time; she is working under the direction of the DSS/County Attorney Misti Bass as approved by Commissioners at the November 29 meeting; staff welcomed her aboard and is excited to see how the legal department functions with additional staffing due to the concern of having only one attorney run the department

Commissioner Guice inquired about the decision to hire MaryAnn Hollocker on November 29. The Manager explained in order to bring Ms. Hollocker on board there needed to be a period of overlap. Ms. Hollocker is available only on a part-time basis for the first half of 2019. The interview committee recommended an overlap with the County Attorney and to increase the legal department budget to allow for the overlap for a six-month period. Ms. Bass remains the appointed DSS and County Attorney at this time; however, she lives in Alamance County and is traveling to Transylvania County weekly and working remotely to assist during the transition.

Commissioner Guice expressed concern about the process for hiring the attorney. He said the management of the DSS and County Attorney is different than when he previously served as County Commissioner. He was also bothered that there was no legal representation at the meeting today. He said he hopes the interview process was structured and that he has the ability to review any notes that were taken. Commissioner Guice referenced a newspaper article that indicated Ms. Hollocker would become the full-time County Attorney after a period of time and he wanted to understand how that came to be.

Commissioner Guice commented in reference to the Board's meeting schedule. He felt there were several other factors to consider that determine who is attending meetings: seasonal changes (gets dark earlier in winter), working class does not attend daytime meetings (do they attend nighttime meetings?), etc. He pointed out the current schedule is not working for Commissioner Cathey because he is absent from the meeting today. Commissioner Guice assumed his work schedule conflicted with the meeting schedule. He asked Chairman Hawkins to contact Commissioner Cathey and discuss with him a more accommodating schedule.

Commissioner Chappell was excused from the meeting at 10:30 a.m. Three Commissioners remained ensuring a quorum was present.

The Manager explained that for a position that is appointed by the Board, either one or two Commissioners participate in the hiring process by sitting on an interview panel which then makes a recommendation on the appointment. When the Board learned of Ms. Bass' departure, staff was directed to advertise for the position. The Manager pointed out Ms. Bass is participating remotely and is available via cell phone and text when concerns arise. She acknowledged it is not an ideal situation. She pointed out statutes require that the DSS Board be involved in the appointment of the DSS Attorney. In the current model, the County employs a combination DSS/County Attorney. The current overlapping period will allow for the transition of casework, which is particularly important in DSS. In May or June, the DSS Board will make a recommendation to the Board of Commissioners to appoint a full-time DSS

Attorney. The Board of Commissioners will then appoint the DSS Attorney and County Attorney which in this case will be one person. The Manager stated that Commissioners may decide during the budget process whether one attorney on staff is sufficient to fulfill both roles. The overlap will give Commissioners additional time for consideration. The Manager said she will share the documentation and interview documents with Commissioner Guice, noting the documents are not public record.

Commissioner Guice did not understand why it was announced that Commissioners have hired someone for the position when they have yet to make the decision. The Manager explained that the part-time attorney is not the appointed attorney. Ms. Bass remains the appointed County Attorney. The hiring was for the part-time attorney to work for Ms. Bass. Staff intends to make a request for an appointment in the future. This was the action taken on November 29. She felt the root of Commissioner Guice's concern was there was a Board change during the hiring process. Staff followed the previous Board's recommendation on the hiring process. This Board can change the process going forward.

Commissioner Guice revealed the previous chairman informed him that he was unaware of the interview process. Commissioner Guice questioned other Board members and received similar feedback. The Manager said she will also share with Commissioner Guice the documentation from her weekly meetings with the chairman which include discussion on the process for hiring the County Attorney. The process has undergone two cycles.

Chairman Hawkins directed the Manager to ensure all Commissioners have information about the process to hire the attorney.

Commissioner Lemel inquired about the public hearing on the potential property purchase. She asked if the contracts had been revised and all was in order for the public hearing to move forward. The Manager reported staff received a set of documents from the Alliance over the holidays; however, the documents had omissions, including no section for the County to accept assignment. Attorneys are working on revising those documents. She will follow up.

The Manager reminded the Board of the joint meeting with the Board of Education on January 16 at 6:00 p.m. in the Rogow Room at the Library. The meeting discussion will center on implementation of the bond, an explanation from the School of Government on the statutory requirements of both Boards, and suggestions on next steps, collaboration and partnerships. The IT Department is working on a plan to record the meeting. The quality of the video is uncertain, but at least an audio version will be available for the public.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Lemel reported she will be attending the NCACC Legislative Goals Conference tomorrow where Commissioners from across the State will determine the priorities to approach the Legislature for the next two years. She will be meeting with NCDHHS Secretary Mandi Cohen on Friday. In her capacity as Chair of DHHS Board for the NCACC, she is very hopeful they can make great strides to improve the conditions for citizens.

Commissioner Guice said he appreciated the opportunity to serve citizens as a County Commissioner. He said he is still learning and was thankful for the emails and phone calls. He said the upcoming public hearing concerning the purchase of the Brevard College property is extremely important. He has been

reaching out to people in the community because he wants to understand the issues that are relevant to the purchase of this property. He encouraged citizens to contact their Commissioners and to attend the public hearing at the next meeting. Commissioner Guice stressed that the Board of Commissioners wants to make the best decisions for the people of the community.

Commissioner Guice reported that he will attend training next week for new Commissioners.

Commissioner Cathey arrived to the meeting at 10:45 a.m. He apologized for being late, but said he had been working in court all morning. He reported he will be attending the same training with Commissioner Guice next week.

Chairman Hawkins announced that one of the Board's regular meetings in February may be an extended workshop to discuss Board goals, etc. There will be more information to come.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Lemel moved to adjourn the meeting at 10:46 a.m., seconded by Commissioner Guice and unanimously carried.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board