

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**January 25, 2021 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, January 25, 2021 at 6:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

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

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

There were 10 people in the audience, including staff presenters.

**CALL TO ORDER**

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 6:05 p.m.

**WELCOME**

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

**PUBLIC COMMENT**

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

Colonel Duke Woodhull: In learning of apparent opposition to the resolution on the agenda this meeting to declare Transylvania County a "Constitution Protecting County", Mr. Woodhull offered the following comments. He stated that any negative reaction or opposition to a resolution supporting our nation's first principles is nothing more than another manifestation of the current pernicious "Cancel Culture." He was extremely disappointed in President Biden's revocation of the Presidential 1776 Commission and the 1776 Report as an attempt to deny generations of young people an awareness and appreciation for the greatness of our founding principles. He feared there are groups of people seeking to curtail meaningful discussion and thus silence debate. Mr. Woodhull was very concerned with the direction of our nation and he strongly urged the Board to support the resolution.

Chairman Chappell read comments from the following who submitted comments in writing prior to the meeting. The comments have been summarized by the Clerk to the Board.

Alice Wellborn: Ms. Wellborn wrote that the "Constitutional Rights Protected County" draft resolution is both meaningless and misleading because the Board of Commissioners has no choice but to follow the Constitutions and the laws of the United States and North Carolina. She felt the Board's action was nothing more than meaningless political theater. She pointed out the resolution only reaffirms the Board's support of the Second Amendment, so she questioned the Board's commitment to the rest of the Constitution. Ms. Wellborn questioned the timing of the resolution, especially after the recent riots on

Capitol Hill. She urged the Board to redirect its focus on fighting the pandemic and supporting those who have lost jobs.

Amanda and Brandon Gravley: The Gravley's wrote in full support of a resolution declaring Transylvania County as a "Constitutional Rights Protected County". They see our constitutional rights being infringed upon across the nation. They want Transylvania County to be a haven for families and other Americans and one that upholds citizens' constitutional rights. They thanked Commissioners for upholding their rights as citizens and for addressing the severity of the infringement of rights that is happening frequently.

Robert Adamo: Mr. Adamo asked the Board to defend citizens' constitutional rights at the local level. He felt strongly there are politicians that want to destroy citizens' rights and those citizens are counting on the Board to protect the men, women, and children of this community. The passage of a resolution is a positive step toward protecting citizens' rights and will send a message that Transylvania County stands with its neighboring counties to reject Washington radicals and a socialist agenda.

Kathleen Barnes: Ms. Barnes wrote that she was confused by the Board's intent to pass a resolution in support of the US Constitution, especially the Second Amendment. She did not feel there was a need for the Board to reaffirm the oath they have already taken as elected officials. She questioned the Board's commitment to the entire Constitution. Ms. Barnes stated it is the Board's responsibility to make the County a safe, healthy, and happy place to live and they should be focusing on fighting the pandemic.

Portia and Fred Gravley: The Gravley's wrote in full support of the resolution declaring Transylvania County as a "Constitutional Rights Protected County". They feel citizens' constitutional rights are being infringed upon across this nation. They want Transylvania County to be a haven for families and other Americans and one that upholds their constitutional rights. They thanked the Board for upholding their rights as citizens and for addressing the severity of the infringement of rights that is happening daily.

Rebecca and Shanon Gravley: The Gravley's wrote in full support of the resolution declaring Transylvania County as a "Constitutional Rights Protected County". They feel citizens' constitutional rights are being infringed upon across this nation. They want Transylvania County to be a haven for families and other Americans and one that upholds their constitutional rights. They thanked the Board for upholding their rights as citizens and for addressing the severity of the infringement of rights that is happening daily.

### AGENDA MODIFICATIONS

There were no agenda modifications.

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

### CONSENT AGENDA

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

The following items were approved:

MINUTES

The Board of Commissioners met in regular session on November 9, 2020 and following met in closed session in which the minutes were sealed. The Board approved the minutes as submitted.

DISCOVERY, RELEASE AND MONTHLY SETTLEMENT REPORT

Per NC General Statute § 105-312 (b), it is the duty of the Tax Administrator to see that all property not properly listed during the regular listing period be listed, assessed, and taxed. The Tax Administrator shall file such reports of discoveries with the Board of Commissioners. Per NC General Statute § 105-381 (b), it is the duty of the Tax Administrator to provide a monthly report to the Board of Commissioners of the actions taken by the Tax Administrator on requests for release or refund, which shall be recorded in the minutes. For December 2020, tax dollars released totaled \$380.53 and refunds amounted to \$1,262.34. The Board approved the Discovery, Release and Monthly Settlement Report for December 2020 as presented.

REFUND OF OCCUPANCY TAXES

A taxpayer reported to the Tax Administration office that they mistakenly paid occupancy taxes for October 2020. The taxpayer completed an occupancy tax return, asserting that certain sales had taken place, but did not recognize that the online platform they were using to conduct their rentals was also automatically making payments to the County. Tax Administration staff requested certain documents from the taxpayer to verify their claims and justify a refund. The documents provided the necessary justification. Identifying information about the taxpayer is protected by statutes. The Board approved the refund of occupancy taxes as requested.

**PRESENTATIONS/RECOGNITIONS**TRANSYLVANIA REGIONAL HOSPITAL UPDATE

Chief Operating Officer and Chief Nursing Officer of Transylvania Regional Hospital Michele Pilon gave the Board an update on the hospital. This is a summary of her report:

**2020 Highlights***People*

- Transylvania Regional Hospital is the third largest employer in Transylvania County with 320 employees
- Hired 32 new employees, including nurses and other staff
- Emergency Manager received the Award of Distinction
- Employee satisfaction is 74% favorable based on survey conducted in October
- Staff turnover currently trending with the national average of 17%

*Service*

- Emergency Department a success story
  - HCA ranks each of their 184 hospitals each week
  - TRH ED ranks 24<sup>th</sup> currently in the company
  - Ranked 1<sup>st</sup> a couple of months ago
- Outpatient Surgery ranked 23<sup>rd</sup> at HCA
- Added new MRI and CT machines which has increased the scope of the tests that can be performed with a focus on patient comfort
- Catapult system instituted in Radiology Department as a patient reminder system
- Phone application implanted in Surgical Services Department to allow loved ones to check status of their family member in surgery

### *Quality*

- TRH recognized as top 20 critical access hospital for six out of the last seven years
- 673 days without a catheter-related urinary tract infection
- 619 days without a catheter-related bloodstream infection
- Quality Manager received the Institute of Health Certification in Patient Safety

### *Community*

- TRH paid \$562,000 in property taxes in 2020
- Leased land to City of Brevard for a dog park
- Hold an annual event called Crush the Crisis to allow community to bring unwanted medications for proper disposal; collected 39 lbs
- Transferred 500 COVID-19 vaccines to the Transylvania County Public Health Department for the community's use
- Ongoing call and partnership related to COVID-19 planning with County leadership
- Held several community forums related to the pandemic and the safety of the hospital
- Monthly CEO article printed in *The Transylvania Times*

### **2020 Key Volume Statistics**

- Volume for admissions and surgical cases dropped most significantly at the height of the pandemic when elective surgeries were postponed and radiology studies were limited
- TRH has recovered and is trending the same volume as 2019
- Allowing visitors back into the building
- Emergency Department visits have been slow to recuperate likely because people are afraid to come to the hospital; visits to ED are by extremely sick people
- Procedures have been slow to recover because they require COVID-19 test prior to most elective procedures; people are delaying until test no longer required

### **Growth – Capital Investment (since being acquired by HCA)**

#### *Construction Projects*

- \$9.3 million spent on construction projects
  - State-of-the-art renovated operating room suites
  - CT/MRI machines
  - Regulatory pharmacy initiative
  - New radiology room
  - Concrete help-pad

#### *Facility Upgrades*

- \$2.6 million spent
  - Waterproofing entire building
  - Paving projects throughout campus
  - Electrical infrastructure upgrades
  - HVAC upgrades

#### *Equipment*

- \$1.2 million spent
  - New nurse call system on inpatient unit
  - MRI music system for patient comfort
  - Lucas CPR device allows for continuous CPR if patient requires it
  - Sepsis monitors
  - Sterilize for operating room

- Exercise equipment for cardiac rehab

This concluded her formal presentation. She called for questions and comments.

Commissioners emphasized how important Transylvania Regional Hospital is to our community. They had several questions based on their own concerns, as well as from citizens in the community. Below is a summary in Q & A format:

- Q. Does TRH plan to shut down its transitional care and move it out-of-county?
- A. TRH transition care has not shut down and is being retained as part of the acquisition purchase agreement in that it cannot be shut down for 10 years. TRH is not experiencing any patients in this area right now due to their not meeting the criteria. This trend has occurred only within the last year.
- Q. Many local doctors have left the community. Does HCA intend to replace these doctors? What is HCA's commitment to maintaining physicians' offices?
- A. HCA presented their employed physicians with their standardized contract. HCA met with each physician after they reviewed the contracts for negotiation purposes. Some physicians accepted the new terms under favorable negotiations. Others are still negotiating. Others decided they wanted to move on. It has resulted in the loss of a majority of the primary care physicians. HCA is recruiting to replace them. TRH will continue to maintain Brevard Family Practice and Medical Associates of Transylvania. They may not be fully staffed as they were before, but HCA will add advanced practitioners. In terms of specialty positions, negotiations remain ongoing.
- Q. Does TRH tend to move surgeries to Asheville?
- A. There is currently only one general surgeon, so it is not possible for him to be on call 24/7. TRH has the facility and equipment that is needed, but sometimes it is necessary to schedule surgeries for Asheville for the availability of a surgeon. Their goal is to have full 24/7 on-call for surgeons in the future.
- Q. Citizens are frustrated with HCA's practices since the acquisition related to billing, quality of care, etc. and are electing to choose doctors and healthcare outside of HCA. How would you respond to those citizens and residents who are unhappy with the HCA?
- A. Patient satisfaction surveys have been favorable. Nothing has changed in terms of quality outcomes. TRH would not be named a top 20 critical access hospital if it were not for those outcomes. To the citizens and Commissioners, TRH would like to hear the same comments from around the community so they can address them. There are fewer issues surrounding billing because HCA took them seriously.
- Q. How many surgeons have we lost?
- A. Since Ms. Pilon has held a leadership position at TRH, the hospital has lost one surgeon. There were two surgeons and now the hospital is down to one.
- Q. When HCA acquired TRH, patients started complaining about billing practices following visits with their primary care physicians. In this instance, a doctor's office was classified as an anesthesiology office and thus patients were billed as such. Have issues like these been resolved?
- A. To Ms. Pilon's knowledge this issue has been resolved. She just learned about it recently. Prior to HCA, there was a tight connection between the physician's offices and the hospital. When TRH was acquired by HCA, there became a distinct separation for the purpose of protecting the physicians and the hospitals. They are two very different entities.

Commissioners reemphasized the importance of the hospital to the fabric of our community. Not only does the community support its continuance, but they want it to grow. The Board thanked Ms. Pilon for her presentation.

## APPOINTMENTS

### BOARD OF EQUALIZATION AND REVIEW

Fred Markert's term on the Board of Equalization and Review expires at the end of January. He is eligible and willing to serve another term. Members of this board must own property in Transylvania County. Tax Administrator Jessica McCall recommended his reappointment. There remains one vacancy on this board that staff continues to recruit for.

**Commissioner Guice moved to reappoint Fred Markert to another term on the Board of Equalization and Review, seconded by Commissioner Chapman and unanimously approved.**

### PLANNING BOARD

The terms of John Wayne Hardison and Bob Twomey expire at the end of January. Both are eligible to serve one additional term of three years. However, John Wayne Hardison has withdrawn his name from consideration to serve a second term. There are several applications on file. The recommendation for the Board was to make appointments to the Planning Board as they see fit.

**Commissioner Chapman nominated and moved to appoint Curly Huggins to replace John Wayne Hardison on the Planning Board, seconded by Commissioner Guice.**

**Commissioner Dalton nominated and moved to appoint James Lorenz to replace John Wayne Hardison on the Planning Board, seconded by Commissioner McCall.**

**The motion to appoint Curly Huggins failed. The motion to appoint James Lorenz passed by a vote of 3 to 2, with Commissioners Chapman and Guice voting against.**

**Commissioner Chapman nominated and moved to appoint Curly Huggins to replace Bob Twomey, seconded by Commissioner Guice.**

**Commissioner McCall nominated and moved to appoint Terry McCracken to replace Bob Twomey, seconded by Commissioner Dalton.**

**Commissioner Guice moved to reappoint Bob Twomey, seconded by Commissioner Chapman.**

**The motion to reappoint Bob Twomey failed. The motion to appoint Curly Huggins failed. The motion to appoint Terry McCracken was unanimously approved.**

### JOINT HISTORIC PRESERVATION COMMISSION

There are four vacancies on the Joint Historic Preservation Commission due to resignations that occurred over the past year, mostly due to COVID. Staff has been working to recruit applicants resulting in the Clerk receiving three applications over the last month. Planning and Community Development recommended the appointment of the three applicants to fill three vacancies on the Joint Historic Preservation Commission. Staff will continue recruiting to fill the last vacant position.

**Commissioner Chapman moved to appoint Leigh Huffman, Marcy Thompson, and Talomy Vaughns to fill three vacancies on the Joint Historic Preservation Commission, seconded by Commissioner McCall and unanimously approved.**

### TRANSYLVANIA NATURAL RESOURCES COUNCIL

The Board made appointments to the Transylvania Natural Resources Council in September. Due to a time commitment, one of the new applicants rescinded his appointment, thus causing a vacancy on this council. The Clerk to the Board received one application to fill the vacancy. The applicant's appointment is recommended by Cooperative Extension Director Bart Renner.

**Commissioner Guice moved to appoint Eric Caldwell to fill the vacancy on the Transylvania Natural Resources Council, seconded by Commissioner McCall and unanimously approved.**

### NEW BUSINESS

#### COVID-19 VACCINE UPDATE

Public Health Director Elaine Russell provided an update to the Board on the process for the roll out of the COVID-19 vaccines and the procedures the County has put into place for administering the vaccine. This is a summary of her presentation:

- No vaccine allotment for the Health Department this week, but partner organizations may have appointments open for the public
- Call with NCDHHS today indicated the State intends to provide more detail on upcoming allocations to counties tomorrow.
- Currently, main mission is to get shots in arms. This requires both the shot and the paperwork being entered into the State software. The allocation strategy at the federal and State level rewards speed. To protect future allocations for the County, the Health Department must move quickly and efficiently. The Health Department knows in less than week what the allocation will be and has pre-vetted various site plans that allow them to open appointments quickly after the allocation is known.
- Group 2 is now eligible, meaning that people over the age of 65 qualify to receive the vaccine.
- All counties are expected to move 1<sup>st</sup> dose allocation within the week received. A vaccine week is Wednesday-Tuesday for State reporting purposes.
- The State wants high volume events but also wants outreach to historically marginalized populations. These work at cross purposes because the second requires more planning and time to be effective.
- This is a federally funded program, so you do not have to be resident to get a vaccine. Likewise, our residents can get vaccines in other counties or states. NCDHHS released that Buncombe and Henderson will have mega sites at some point. Appointments there are still required and must be made through their health departments.
- Transylvania County Library has pivoted to reduce library services and staff a COVID Hotline seven days a week from 7am-7pm. The hotline provides up-to-date information from Public Health, assists with signing callers up for TEAMS alerts and can assist those without internet access or technology skills in signing up for appointments online.
- Vaccines are being administered by appointment only. Transylvania County is using TEAMS alerts to notify the public when appointments are available so that people can go online or call the call center to sign up.
- Health Department is partnering with others, including Blue Ridge Community Health and local churches and other locations for vaccine sites. The Health Department encourages individuals and organizations to reach out to those eligible and assist them in getting an appointment as they are made available.
- 1,000 appointments opened January 18 and were scheduled in less than 20 minutes. Utilizing a wait list and call back method would have resulted in 3,000 personnel hours delaying vaccinations and risking future allocations.

- As the County receives more supply and continues to move through vaccinations, the demand should ease. This process will require time and patience to reach 34,000 people.
- When an appointment is made, patients will have a time, date and location confirmed; utilizing different sites around the county to reach everyone.
- Issued 1,499 vaccines through Public Health (this does not include the Blue Ridge Health-run event Friday)
- The call center is working great. Some people are still unhappy but getting to talk to a real person to hear our messages seems to be going a long way to helping people understand. They had 5,868 calls go in the queue over 5 days.

Ms. Russell communicated that the Health Department continues to work on contact tracing and case investigation while trying to efficiently administer the vaccine program. They also continue to answer questions and provide technical assistance to the public. The department is working with long-term-care facilities due to outbreaks in multiple facilities. Ms. Elaine stated it is the Health Department's duty and privilege to serve the public, but noted they are extremely busy.

Chairman Chappell asked the Manager to explain how a citizen can sign up for the TEAMS Alerts. The Manager informed there is a sign-up link on the County's website and Facebook page. The online form is submitted to Emergency Management. Citizens can also call the hotline and staff is available to help complete the form. TEAM Alerts are announced through text messages or calls to landlines.

Commissioner Dalton asked what the Board can do to provide the Health Department with additional assistance. Ms. Russell was very thankful for the support from the call center at the Library. She thanked the Board for that support. She also encouraged folks to please have grace and patience, because the Health Department can only move as fast as there is inventory available. She felt confident that if there was more vaccine allotment, the Health Department would move quickly ensuring they were administered. In two days, the Health Department served almost 900 people and they are positive they can do more. The system is efficient, and the partnerships have been amazing – the issue is having product. She asked the Board to advocate for additional vaccine at the State level.

Commissioner Dalton asked if our State legislators are aware of the issues with vaccine allotment and whether they were advocating on our behalf. Ms. Russell was informed that our legislators have been extremely vocal, and they issued a very direct correspondence to the NCDHHS Secretary that all counties need allocations.

Commissioner McCall asked how we go about getting an increased allotment of vaccines to Transylvania County. She also offered the Board's support in whatever manner the Health Department needs. Ms. Russell stated that the resolution being considered at this meeting where the Board is advocating for more vaccine due to the high percentage of elders in the population is ammunition the County can use to advocate for greater allocation and to support larger events with special allocations.

#### DRAINAGE PIPE FAILURE AT RECREATION CENTER

Assistant County Manager David McNeill presented this item. Maintenance staff has reported a safety issue involving multiple failures of the drainage pipe and drainage boxes at the Recreation Center between the access road and soccer field resulting in sink holes. Staff placed temporary fill (dirt and gravel) and plastic fencing around the area. The temporary fill has already collapsed in some areas. Staff worked with the County's Project Manager, an engineer, and masonry contractor to evaluate the issue and develop a strategy to repair/replace the failing pipe and boxes. The current drainage system was installed 30 years ago and consists of brick drainage boxes and galvanized pipe.



The drainage system serves the access road and soccer field area and connects to the drainage pipe that collects all the water from the Pisgah Forest Elementary School property. Staff met with School System maintenance staff to coordinate repair efforts. The School System has two brick drainage boxes and pipe that need repair and/or replacement as well. One of the two brick boxes connects to a 36-inch pipe and box on County property and will require repair/replacement as part of this project. Age appears to be a factor; moreover, last year Transylvania County also received unprecedented volumes of rain that likely accelerated erosion to the current condition.

Staff recommended replacement of the brick boxes and rusted out galvanized pipe. Staff provided a cost estimate for the project with the work to be completed by County Maintenance staff in coordination with School System maintenance staff. Depending on weather and availability of materials on-hand, the project can be complete in less than a week.

Pipe and Drainage Box Materials	\$14,000
Masonry Contractor	\$3,000
Gravel	\$3,500
Equipment Rental	\$5,500
Repair Materials (hydroseeding etc.)	\$2,500
Grate Box Cover	\$1,000
<b>Total</b>	<b>\$29,500</b>

**Commissioner Guice moved to approve \$29,500 for repair/replacement of failing drainage at the Recreation Center with funds to come from the Recreation Reserve Fund, seconded by Commissioner Chapman and unanimously approved.**

#### RESOLUTION IN SUPPORT OF INCREASE TO ALLOCATION OF VACCINES

Local elected bodies in North Carolina may adopt resolutions for many various purposes and objectives. This can include to urge for action at a higher level of government, recognize persons or organizations, reflect support for causes or principles, to declare a position on issues of interest or for other similar purposes.

The federal program COVID-19 vaccination is underway with Transylvania County working within the guidelines provided by the State. Allocations of vaccine are initially based on population per county and distributed primarily through county public health departments.

Transylvania County has a high percentage of residents that are in the Stage 2 category of persons aged 65 and over. Transylvania County should be considered for additional vaccines to meet this need. State leadership has informed counties that they intend to move the entire State collectively through the stages. If vaccines continue to be distributed by population only, Transylvania County would be short in completing Stage 2 before the State moves into State 3.

Staff prepared a resolution for the Board to consider that specifically references some data points about Transylvania County. It is important that this Board continue to support advocacy at the State level around vaccination and allocation. For the benefit of the public, Commissioner McCall read aloud the resolution.

While the vaccine is important to every person and community, Chairman Chappell was disappointed to learn that Transylvania County was not allotted any vaccine this week, but the State decided to hold two mega-vaccine sites in the eastern and central parts of the State. With that said, Transylvania County has a large population of citizens over the age of 65 and they have barely left their homes in the last year. To

expect our citizens to drive several hours away to receive a vaccine is sad and troubling. He urged the Board and staff to continue to advocate on behalf of the County to get vaccines to our community.

**Commissioner McCall moved to approve Resolution #04-2021 Requesting Increased COVID-19 Vaccine Allotment to Serve Transylvania County's High Ratio of Persons Over Age 65, seconded by Commissioner Guice.** Commissioner Guice shared that Commissioners and staff continue to hear from our citizens who are scared and concerned. He assured citizens, especially the elderly, that the Board hears their concerns, and that Commissioners continue to advocate on their behalf at the State level. He agreed with the resolution that urges the State to consider more than just population, but those counties that have higher elderly populations because they are the highest at risk. Commissioner Chapman asked the Chairman and Manager to seek regular updates from our legislators so the Board can share them with the public. **The motion was unanimously approved.**

**RESOLUTION #04-2021  
REQUESTING INCREASED COVID-19 VACCINE ALLOTMENT TO SERVE  
TRANSYLVANIA COUNTY'S HIGH RATIO OF PERSONS OVER AGE 65**

**WHEREAS**, Transylvania County is a local body politic in North Carolina with a well-established and reputed Public Health Department; and

**WHEREAS**, Transylvania County is a willing and active participant in the State of North Carolina Vaccination Plan with aligned priorities to vaccinate Group 2, citizens over the age of 65; and

**WHEREAS**, the State of North Carolina Department of Health and Human Services has indicated COVID-19 vaccine distributions are initially based on population; and

**WHEREAS**, the State of North Carolina Department of Health and Human Services changed the distribution priority on January 12, 2021 to include all persons over the age of 65 under the guidance of the National Center for Disease Control; and

**WHEREAS**, it does not appear that Stage 2 population of 65 and over is a specific factor of vaccine allocation distribution at this time; and

**WHEREAS**, the State of Seniors in Transylvania Report issued in 2018 indicated that Transylvania County's senior population aged 65 and over in 2015 was over 25% with state projections to be over 31% by 2035; and

**WHEREAS**, the State of Seniors in Transylvania Report cited US Census Data from 2017 that reflect 15% of United States Population is 65 and over, but that Transylvania County's over 65 population comprises 29.4%; and

**WHEREAS**, the 2016 American Community Services estimated a total of 9,238 persons aged 65 and over in Transylvania County, far exceeding current vaccine allocation numbers; and

**WHEREAS**, the North Carolina Association of County Commissioners Map Book published in 2020 reflects Transylvania County as tied with Brunswick, Clay, and Polk Counties of all of North Carolina's 100 counties for the highest percentages of persons aged 65 and over at 29%; and

**WHEREAS**, the North Carolina Association of County Commissioners Map Book published in 2018 reflects Transylvania County's median age as 3<sup>rd</sup> in the state at 50 years old behind Clay and Polk Counties of all of North Carolina's 100 counties; and

**WHEREAS**, North Carolina Department of Health and Human Services has indicated that persons aged 65 and over comprise 15% of positive cases and 83% of deaths; and

**WHEREAS**, Transylvania County Commissioners honor our elder citizens and wish to avoid the potential of catastrophic loss by offering COVID 19 vaccination to this vulnerable population as quickly and efficiently as possible;

**THEREFORE**, Transylvania County Commissioners urge immediate consideration by the North Carolina Department of Health and Human Services and all of state leadership to consider a significant increase in allocation to Transylvania County to serve the most essential and critical mission of vaccinating the high percentage of persons 65 and over in our community as quickly as possible.

This the 25<sup>th</sup> day of January, 2021.

S://Jason R. Chappell, Chairman  
Transylvania County Board of Commissioners

**RESOLUTION DECLARING TRANSYLVANIA COUNTY AS A “CONSTITUTIONAL RIGHTS PROTECTED COUNTY”**

Local elected bodies in North Carolina may adopt resolutions for many various purposes and objectives. This can include to urge for action at a higher level of government, recognize persons or organizations, reflect support for causes or principles, to declare a position on issues of interest or for other similar purposes.

In early 2020, approximately 70 of 100 North Carolina Counties elected to adopt 2<sup>nd</sup> Amendment Resolutions in various forms, as reported by the North State Journal in February 2020. Chairman Chappell asked the Board to consider a similar resolution. He would have preferred a resolution a year ago, but it was not considered at that time. A draft resolution mirroring one that Haywood County passed was disseminated among Board members. It was reviewed by the Board and the County Attorney. After several iterations, a draft is before the Board for consideration. For the benefit of the public, Chairman Chappell read aloud the resolution.

**Commissioner McCall moved to adopt and approve the edited Resolution #05-2021 Reconfirming That Transylvania County, North Carolina Will Support and Maintain the Constitution of the United States, Including All Amendments Thereto, As Well As the Constitution of North Carolina, and All Laws Which are Consistent Therewith, as edited by our Attorney, seconded by Commissioner Guice.** Commissioner McCall pointed out this is not something that has just been discussed in the last few days. It has petitioned to come before the Board of Commissioners for well over a year. Comments to her have been overwhelmingly in support. Prior to the vote, Commissioner Dalton read into the record additional comments received from the public. They were summarized by the Clerk as follows:

Kelly Hooper: Ms. Hooper wrote in full support of a resolution declaring Transylvania County as a “Constitutional Rights Protected County”. They see our constitutional rights being infringed upon across the nation. They want Transylvania County to be a haven for families and other Americans and one that upholds citizens’ constitutional rights. They thanked Commissioners for upholding their rights as citizens and for addressing the severity of the infringement of rights that is happening frequently. The following citizens had signed onto the same email in support of the resolution: TJ Hooper, Richie Hooper, Billy McCoy, Kristy Pressley, Joshua Rice, Melissa McCall, Steve Rice, Donna Rice, John Rogers, Rhonda Rogers, Ronnie Duncan, Jami Reese, Kyle Reese, Kevin Wilson, Wayne Wilson, Scott Swangim, Katie Hoxit, Keri Wilson, Jason Wilson, and Charles Pressley.

Rev. Dr. Carter Heyward: Reverend Heyward urged the Board to condemn the January 6 attack on our nation's capitol rather than singling out the 2<sup>nd</sup> Amendment for reverence and special care. She questioned whether our right to bear arms was more important than the other 27 Amendments in the US Constitution. She urged the Board to encourage citizens to care for and love their neighbors and listen to those with whom they may strongly disagree.

Commissioner Chapman shared that Commissioners have received comments both in support of and in opposition to the resolution. He read his response to one citizen who opposed the resolution in which he described the attacks on citizens' constitutional rights across the nation and his vow to stand up for those rights. He commented that did not understand how citizens could be opposed to a resolution in support of the US Constitution. Commissioner Chapman fully supported the resolution. Commissioner Guice said to those who contacted the Board with different perspectives that the resolution before the Board is different from where the Board started it its drafting. Since that time, Commissioners have all had input in the drafting of the resolution. The 70 counties that have passed resolutions have not passed the same resolution. He encouraged all citizens to look closely at the resolution because it reaffirms the Board's support of the Constitution of the United States and North Carolina, much like the oath they take as elected and public officials. It is important to him that the resolution supports the entire Constitution, not just a select few Amendments. **Commissioner Guice moved to amend the motion to add language "but not inclusive to it only" in the last paragraph before the resolve, seconded by Commissioner Chapman. The amendment was approved unanimously.** Chairman Chappell felt it was important for the Board to strongly state their beliefs. Commissioner McCall said she could not think of another time in our history where this has been more important than now. **The main motion with the amendment was approved unanimously.**

#### RESOLUTION #05-2021

#### **RESOLUTION RECONFIRMING THAT TRANSYVLANIA COUNTY, NORTH CAROLINA WILL SUPPORT AND MAINTAIN THE CONSTITUTION OF THE UNITED STATES, INCLUDING ALL AMENDMENTS THERETO, AS WELL AS THE CONSTITUTION OF NORTH CAROLINA; AND ALL LAWS WHICH ARE CONSISTENT THEREWITH**

Be it known that after over 230 years the United States of America continues to be the longest ongoing constitutional republic in the world.

**WHEREAS**, after gaining independence this nation adopted as the "supreme law of the land," the United States Constitution which is the basis of this miracle of America; and

**WHEREAS**, the Constitution's opening phrase sets rules and parameters for a three-branch form of representative government; and

**WHEREAS**, the first ten amendments, known as the "Bill of Rights," were adopted with the stated purposes that "extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution"; and

**WHEREAS**, seventeen other amendments were later adopted; and

**WHEREAS**, freedom of speech, freedom of the press, freedom of religion, rights to peaceably assemble, rights to due process under the law and "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed" are some of the multiple rights preserved in the Bill of Rights; and

**WHEREAS**, equal rights for men and women and civil rights for all citizens regardless of race, color, religion, sex, or national origin are secured by the Constitution and the laws enacted pursuant thereto; and

**WHEREAS**, ALL RIGHTS contained in the United States Constitution are held in highest esteem, and PROTECTED by Transylvania County, and

**WHEREAS**, the Transylvania County Board of Commissioners is in opposition to any proposed law that infringes upon the constitutional rights of the County's citizens and, specifically, the 2nd Amendment, but not inclusive to it only;

**NOW, THEREFORE, BE IT RESOLVED**, the Transylvania County Board of Commissioners declares Transylvania County a "CONSTITUTIONAL RIGHTS PROTECTING COUNTY" by affirming our oath of office to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.

**BE IT FURTHER RESOLVED**, the Transylvania County Board of Commissioners opposes any efforts by any entity to infringe on or take from the Constitution. We declare that Transylvania County government will use all its powers to defend and protect the constitutional rights of its citizens.

**BE IT FURTHER RESOLVED**, the Transylvania County Board of Commissioners implores all its citizens to exercise the right to vote in elections as guaranteed by the Constitution of the United States of America.

**BE IT FURTHER RESOLVED**, the Transylvania County Board of Commissioners implores the N.C. legislature and the U.S. Congress to use all its powers and authority to protect our citizens' freedoms under the Constitution of the United States, to reject any proposed law or regulation that will infringe, may infringe, or place any burden on the Constitution of the United States and its citizens.

Let it be known, Transylvania County North Carolina declares itself a CONSTITUTION PROTECTING COUNTY.

Adopted by the Transylvania County Board of County Commissioners

This the 25<sup>th</sup> day of January, 2021.

Jason Chappell, Chairman  
Transylvania County Board of Commissioners

INTENT TO DONATE SURPLUS WHEELED COACH AMBULANCE TO TRANSYLVANIA COUNTY RESCUE SQUAD

A 2008 Wheeled Coach Type 1 Ambulance (VIN # 1FDWF37R98ED75975) is no longer in use by EMS and has been declared surplus by the County Manager. The Transylvania County Rescue Squad requested the County donate the ambulance to them for use. They provide EMS call volume backup, and their vehicle is in poor shape.

A second request has been received by administration from the Sheriff's Office. The Sheriff's Office Investigation Unit is interested in a surplus ambulance to be converted into an investigation's response unit in response to incidents like the manhunt last year.

The Board of Commissioners have ultimate authority to donate surplus property. Given that the County is a majority funder of the Rescue Squad and because they provide backup to EMS, the Manager

recommended the Board consider donating this ambulance to them. The Sheriff's Office request would be considered for the planned ambulance replacement in next year's budget. The Manager felt this recommendation is fair and balances the larger picture of public interest; however, the final decision rests with the Board of Commissioners.

North Carolina General Statute § 160A-280 allows the County to donate any surplus property to a nonprofit organization incorporated in the United States. Prior to donation, the County must post a public notice of its intent to donate the property and then adopt a resolution donating the property at another meeting.

Commissioner Guice questioned the decision to donate the ambulance to the Transylvania Rescue Squad when there was a request by a County department. Chairman Chappell agreed with his concerns, but the Sheriff's Office will be considered in next year's budget. Staff realizes there is a need there as well.

**Commissioner McCall moved to authorize the posting of a notice of the Board of Commissioners' intent to donate a surplus ambulance to the Transylvania County Rescue Squad as recommended by the County Manager, seconded by Commissioner Chapman.** Commissioner Chapman commented that the ambulance should be configured already to meet the needs of Transylvania County Rescue Squad. He felt the donation to them should be the higher priority and considering the Sheriff's Office needs next year. **The motion was unanimously approved.**

## 2<sup>ND</sup> QUARTER FINANCIAL UPDATE

Finance Director Jonathan Griffin presented this item.

General Fund expenditures are within trend, general fund revenues exceeding expectations as previously discussed by the Board.

Disaster Response Fund has pulled \$711,901 from normally budgeted General Fund expenditures.

- This is the US Treasury's guidance of "substantially dedicated" personnel at work – if the nature of a public service employee's work has changed due to COVID-19 – 100% of their payroll expenditures become eligible Coronavirus Relief spending.
- \$79,081 of expenditures for the City of Brevard, mostly supplies and equipment, some FFCRA sick leave and public assistance routed through Sharing House.
- \$76,088 of expenditures for Town of Rosman routed through interlocal agreement with Sharing House on rent/utility relief for affected citizens.

### **Revenues**

- Sales tax distributions received by the County continue to overperform on a month-to-month basis
- Property taxes remain strong, but they are slightly below prior year collections. This is mostly due to timing
- Many of the departments- Register of Deeds, EMS (outsourced billing), Public Health (federal relief funding), and Department of Social Services (federal relief funding) – are experiencing strong revenues.
- Less activity has been seen in Public Transportation (fewer riders) and the Library. Occupancy taxes have been extremely strong which was reported on at the last meeting.

### **Expenditures by Function**

- Most functions are below their equivalent period or within trend.
- Exceptions over prior year:

- Board of Elections (General Election)
- Register of Deeds (excise tax payment)
- Social Services (foster care)
- Development (TC Tourism Development Authority remittances)
- Juvenile Crime Prevention Council (legislative increases)
- Other agencies (full year of VAYA Maintenance of Effort funds paid up front)
- Largest expenditures – Sheriff’s Office/Public Safety, Education, Human Services – the main three core mandates in County government

### **Expenditures by Type**

- Expenses higher on items where there are other agencies or statutory limitations:
  - Remittances (payments to TC Tourism Development Authority, State of North Carolina)
  - Education (lump sum appropriations to education agencies)
  - Other agencies (payments to rescue squads, volunteer fire departments and other governments)
- Primary expenses are related to employees and education agencies

The County’s financial performance is stronger than the prior year, even when adjusting for factors like the 10.5 cents school capital property tax and the Disaster Response Fund. When developing budget, staff eliminated expenditures where possible. Last year at this time, staff expected a surplus of approximately \$1.6 million. Currently, the surplus is sitting at \$2.1 million.

Mr. Griffin asked the Board to consider earmarking savings in the amount of \$711,901 and allow staff to implement a budget amendment. It was not the intent as monies were moved around to authorize those departments to spend extra, so it is the suggestion of staff to set those funds aside for future needs as the County works through the pandemic and future unknowns as well as the next budget cycle.

**Commissioner McCall moved to authorize staff to proceed with implementing budget amendments to earmark savings from the Disaster Response Fund into contingency pending further review, seconded by Commissioner Dalton and unanimously approved.**

### MANAGER’S REPORT

The Manager reported the following:

- The next two Board meetings will be consumed by six-month departmental reports
- Budget timetable – recommended budget to be presented at the second meeting in April
- Community Action Opportunities has submitted its FY 22 Community Services Block Grant application to the Office of Economic Opportunity for consideration. CAO has submitted their proposal to the County for review. Commissioners’ comments are welcome and are due in writing by February 8 to the OEO Program Analyst.
- Environmental Health has had a series of medical leave, retirements, isolation orders and quarantines that have impacted staffing for soil evaluations along with increased demand. Public Health is working to get vacancies filled as quickly as possible and return to full staffing, but those who need to move through the permit process faster have the option of Engineering Option Permits, which allows hiring a certified contractor to get the permit.
- Kudos to Jim Boyer in Environmental Health from citizen Mr. Busbee for his professionalism and being accommodating in answering his questions over processes and rules.
- Thank you to: Transylvania Public Health, Fire Marshal's Office, Emergency Services, Sheriff's Office, EMS, Maintenance, Information Technology, Library and Administration for their work as a team on the COVID-19 vaccination program. It would not have been possible without our

community partners: Carr's Hill Baptist Church, Rosman Baptist Tabernacle, Blue Ridge Community Health Service, Brevard Music Center, and supply donations from Mission Health.

- Happy Birthday to Commissioner Chapman!

### PUBLIC COMMENT

There were no comments from the public.

### COMMISSIONERS' COMMENTS

Commissioner Chapman asked the Board to begin thinking about future uses of the current Courthouse should the decision be made to build a new one.

Commissioner Guice commented on a letter in the newspaper written by a self-formed downtown courthouse committee. The Board has a responsibility to address this need. He did not want to be critical of the committee's letter, but he emphasized that this Board has yet to discuss the topic of a new courthouse specifically.

Commissioner Guice emphasized that no County Commissioner sitting on this Board would support what occurred on January 6 related to the attack on the US Capitol, but that does not mean Commissioners do not have different opinions on issues. He was disappointed in the appearance that people want to pit Commissioners against each other. Commissioners are trying to address local issues - the pandemic, the loss of jobs and income, etc. He stressed that the Board is always going to listen to the public and each other and treat everyone with respect. To the public, he encouraged patience and understanding because these are difficult times in our community. Commissioner Guice reiterated that citizens should read closely the resolution passed by the Board because it reaffirms their support of the Constitution, not just a portion of it.

Chairman Chappell reminded the Board of the format for the next two meetings. He also asked Commissioners to consider a future review of the County's ordinances. He asked Commissioners to send the Manager their schedules so staff can schedule workshops to ensure their attendance.

Commissioner Guice asked the Board to consider taking a fresh look at the Board's Strategic Plan.

### ADJOURNMENT

There being no further business to come before the Board, **Commissioner Guice moved to adjourn the meeting at 8:30 p.m., seconded by Commissioner Dalton and unanimously carried.**

---

Jason R. Chappell, Chairman  
Transylvania County Board of Commissioners

ATTEST:

---

Trisha M. Hogan, Clerk to the Board