

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
September 27, 2021 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, September 27, 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: Dan Dewitt – *Brevard Newsbeat* (participated remotely)
 Alex Perri – *The Transylvania Times* (participated remotely)

There were approximately 40 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 6:03 p.m.

WELCOME

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

PUBLIC HEARING

SECTION 5311 ADMINISTRATIVE, COMBINED CAPITAL PROGRAM, CAPITAL NON-STI RURAL EXPANSION VEHICLE PROGRAM AND SECTION 5310 OPERATING PROGRAM FY 2023

County Transportation Planner April Alm presented information for the public hearing.

FY2023 5311 Administrative

The Section 5311 grant program is apportioned to individual counties based on a formula that considers factors such as land area, population, population growth rates, vehicle miles, and the number of low-income individuals. In North Carolina, Section 5311 subsidizes the administrative costs of running a transportation system, allowing communities to focus their resources on operations.

For FY 2023, County Transportation will use the five-year funding allocation formula that was created in FY 2018. In this application, County Transportation is requesting a total of \$164,470 for the administrative expenditures of its transit program. This requires a local match of \$24,671, or 15% of the total.

FY 2023 Combined Capital Program

Just as the NC Department of Transportation's Integrated Mobility Division (NCDOT IMD) applies for formula funding through the Federal Transit Administration, it also applies for funding to maintain the fleet of publicly supported transit vehicles and other capital needs.

County Transportation is requesting a total of \$33,114 in capital funding for propane conversion costs for four vans and two new radios. This requires a local match of \$3,312, or 10% of the total.

FY 2023 Capital Non-STI Rural Expansion Vehicle Program

Upon meeting annual replacement mileage requirements, Transylvania County typically applies for replacement vehicles through the Combined Capital Program. For FY 2023, County Transportation would like to apply for two expansion vehicles to supplement its fleet. The vans will be used in the new expansion route services. The department is requesting a total of \$132,770 in capital funding for one 22' LTV with a lift and one accessible minivan which requires a local match of \$26,554, or 20% of the total.

FY 2023 5310 Operating Program

The County was successful in its application for 5310 funds for FY 2022. For FY 2023, the County intends to apply for the same amount of \$104,000 which requires a local match of \$52,000, or 50% of the total. The County currently budgets \$52,000 for the purchase of rides through a local private operator. The 5310 grant has helped restore out-of-County transportation to the elderly and disabled thus enabling these individuals to travel from unincorporated areas within the County to incorporated areas.

This is a summary of the financial impact of applying for these programs:

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>	<u>% Match</u>
Administrative	\$164,470	\$24,671	15%
Capital (Vehicles & Other)	\$33,114	\$3,312	10%
Capital (Non-STI Vehicles)	\$132,770	\$26,554	20%
5310 Operating	\$104,000	\$52,000	50%
TOTAL PROJECT	\$434,354	\$106,537	
Total Funding Request		Total Local Share	

The State's standard match for 5311 Administrative Grant funding is 5% and Combined Capital is 10%. For FY 2023, applicants have been notified by the NCDOT IMD that the local share amount is subject to the availability of State funds.

The County's Community Transportation Program application is to be submitted to the North Carolina Department of Transportation no later than October 8, 2021. New this year is a 5311 Designee Certification Form requirement. It is in the form of a resolution and authorizes the filing of applications with the North Carolina Department of Transportation– Integrated Mobility Division for grant years FY 2023– FY 2027, for federal transportation assistance authorized by 49 U.S.C. 5311, United States Code, other federal statutes administered by the Federal Transit Administration or statutes administered by the State of North Carolina.

Staff recommended the Board hold a public hearing to receive input on the application and program. Ms. Alm encouraged the public to comment on the County's transportation needs and the pending grant applications. She made available the Voluntary Title VI Public Involvement survey for citizens to complete, as well as budget summaries for each program application.

Under New Business, staff will request permission for County Transportation to apply for FY 2023 Public Transportation Program funding, enter into an agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match, and adopt Resolution 28-2021 – 5311 Designee Certification.

Chairman Chappell declared the public hearing open at 6:10 p.m. There were no comments from the public. **Chairman Chappell declared the public hearing closed at 6:11 p.m.**

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.

Terry Geraldo: (Clerk to the Board was unable to understand the speaker's last name.) The speaker stated that he is a resident of Cedar Mountain. He addressed the Board on the fire rescue contract which is an item on the agenda for Board discussion during this meeting. He encouraged the Board to take the time to listen to the concerns expressed by the fire departments. He wanted assurance that the people putting their lives on the line for citizens are focusing on doing their jobs and not on a contract. He stated that the fire departments need to know that the Board supports them and thus he hopes both parties can find a solution that is mutually beneficial and in the best interest of the community.

Jeff Coy: Mr. Coy addressed the Board about the fire departments and what they mean to him personally. He stated that the fire department contributes to making Cedar Mountain a great community. He asked the Board to listen to the issues and concerns of the fire department and work with them to resolve the issues they have because they perform a valuable service to the citizens.

Carmon West: Mr. West spoke on behalf of the Lake Toxaway Fire Rescue department. He stressed to the Board that the Commissioners, County staff, and fire departments serve the same people and he wanted to ensure those citizens are receiving the services they need. Mr. West expressed a desire to work together with the County for the sake of the people. He noted it is an honor to work with County staff and Commissioners. He wanted to open the lines of communication, be cordial and work through differences.

Emmett Casciato: Mr. Casciato is the founder and curator of the Veterans' History Museum of the Carolinas. In the past, the Museum has been privileged to participate in the planning of the Veterans Day ceremony and he hoped the Board would give the green light to them to help plan the event this year. He stressed that the Veterans Day ceremony is important to our veterans, their families, and the citizens of Transylvania County.

AGENDA MODIFICATIONS

There were no agenda modifications.

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

CONSENT AGENDA

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

The following items were approved:

MINUTES

The Board of Commissioners met in regular session on May 10, 2021 and following met in closed session in which the minutes were sealed. The minutes were approved as submitted.

DISCOVERY, RELEASE, AND MONTHLY SETTLEMENT REPORT

Per N.C.G.S. § 105-312 (b), the Tax Administrator must see that all property not properly listed during the regular listing period be listed, assessed, and taxed. The Tax Administrator shall file such reports of discoveries with the Board of Commissioners. Per N.C.G.S. § 105-381 (b), the Tax Administrator must provide a monthly report to the Board of Commissioners of the actions taken by the Tax Administrator on requests for release or refund, which shall be recorded in the minutes. For August 2021, tax dollars released totaled \$5,592.74, and refunds issued amounted to \$1,819.26. The Board approved the Discovery, Release, and Monthly Settlement Report for August 2021 as submitted.

TRANSYLVANIA COUNTY TRANSPORTATION SYSTEM SAFETY PLAN

Effective October 2012, Moving Ahead for Progress in the 21st Century (MAP-21) mandated requirements for all public transportation systems to develop and implement a safety plan. The System Safety Plan (SSP) was developed utilizing established guidance from the North Carolina Department of Transportation's Standard Operating Procedures and the State Management Plan.

This SSP template addresses the required six core elements:

1. Emergency Action Plan
2. Fire Prevention Plan
3. Preventative Maintenance Plan
4. Drug & Alcohol Policy
5. Safety & Security Plan
6. Continuity of Operations

Compliance will ensure that Federal Transportation Administration (FTA) and North Carolina Department of Transportation Integrated Mobility Division (NCDOT/IMD) policies and regulations are met. The organizations review the SSP annually for necessary changes. The Board approved the Transylvania County Public Transportation System Safety Plan (SSP) as presented.

RESOLUTION DECLARING SEPTEMBER 2021 AS PREPAREDNESS MONTH IN TRANSYLVANIA COUNTY

On August 14, 2021, NC Association of County Commissioners (NCAACC) President Frank Williams announced his presidential initiative, "100 Counties Prepared." Drawing on his experience as Chair of the Brunswick County Board of Commissioners during Hurricanes Florence, Dorian, and Isaias, President Williams intends to incorporate several lessons learned as part of his initiative.

The year-long effort will focus on equipping county commissioners with the tools they need to lead effectively during emergencies. The initiative aims to prepare county commissioners to provide residents with accurate and authoritative information about critical local response and recovery activities such as debris removal, road reopening, and more. 100 Counties Prepared also seeks to empower county commissioners to be a source of hope and reassurance for residents and dispel misinformation commonly found online when emergencies occur.

President Williams appointed Task Force Co-chairs Randy Thompson, Brunswick County Commissioner, and Kay Cashion, Guilford County Commissioner, to lead 100 Counties Prepared. Transylvania County Commissioner Teresa McCall is also a member of the Task Force. The Task Force is charged with developing a training and education program and compiling emergency readiness resources for county

commissioners. It will also focus on helping county commissioners engage with key emergency management partners to foster strategic relationships. 100 Counties Prepared will encompass the full spectrum of emergencies that can occur anywhere in the State, including mudslides, earthquakes, tornados, flooding, hurricane, and pandemic response.

The NCACC created a short video highlighting the new Task Force. Staff shared the video with the Board and the public.

The Board of Commissioners approved Resolution #30-2021 Declaring September 2021 as Preparedness Month in Transylvania County and instructed the Clerk to the Board to forward a copy to the Brunswick County Commissioners and NCACC President Frank Williams.

**RESOLUTION #30-2021
DECLARING SEPTEMBER 2021 AS “PREPAREDNESS MONTH”
IN TRANSYLVANIA COUNTY**

WHEREAS, National Preparedness Month is an observance each September to raise awareness about the importance of preparing for disasters and emergencies that could happen at any time; and

WHEREAS, Transylvania County has been affected by a number of disasters and emergencies in recent years, including most recently Tropical Storm Fred that devastated many communities; and

WHEREAS, Counties throughout North Carolina have been affected by a variety of emergencies, including mudslides, wildfires, flooding, earthquakes, and the COVID-19 pandemic; and

WHEREAS, In 2020 the State of North Carolina experienced 48 tornado touchdowns, 247 flood events, and 609 severe thunderstorms with damaging wind and hail, all of which resulted in more than \$275 million in damages statewide; and

WHEREAS, The peak period for hurricane season is historically mid-August through October, and September 10 marks the peak of hurricane system; and

WHEREAS, On Saturday, August 14, 2021, Brunswick County Commissioner and NC Association of County Commissioners President Frank Williams announced the “100 Counties Prepared” Initiative during the 2021 North Carolina Association of County Commissioners Annual Conference in New Hanover County; and

WHEREAS, The 100 Counties Prepared Initiative will focus on training county commissioners on how to effectively lead during emergencies, compiling resources to assist commissioners during emergency situations, and helping commissioners establish relationships with key emergency management partners; and

WHEREAS, The 2021 theme of National Preparedness Month is “Prepare to Protect. Preparing for disasters is protecting everyone you love;” and

WHEREAS, National Preparedness Month is aimed at encouraging citizens to develop an emergency plan, build an emergency kit, and take other proactive steps to prepare for potential emergencies; and

WHEREAS, The Transylvania County Board of Commissioners desires that every household, property owner, and business owner in Transylvania County be prepared for potential emergencies;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Transylvania County hereby declares September 2021 as Preparedness Month in Transylvania County and encourages all citizens to *Prepare to Protect* their loved ones by developing an emergency plan, building an emergency kit, and communicating their emergency plan to all members of their household and/or workplace. This the 27th day of September 2021.

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

APPROVAL OF PARTNERSHIP WITH VETERANS' HISTORY MUSEUM OF THE CAROLINAS TO CONDUCT THE VETERANS DAY CEREMONY

In 2009, the Board of Commissioners established a Veterans Day Committee that is responsible for developing a program to honor the veterans of our community on Veterans Day. The County will hold a Veterans Day Ceremony at the Courthouse Gazebo on Thursday, November 11, 2021 at 11 a.m. Representatives from the Veterans History Museum of the Carolinas have assisted the County with planning the ceremony for the past few years. This agenda item sought to formally announce and recognize a partnership between the County and the Museum to organize and conduct the Veterans Day Ceremony. The county staff has taken care of some of the technical requirements, such as applying for a permit to close the street. The Museum will handle the programming component. County staff will assist where needed. The Board approved the partnership with the Veterans History Museum of the Carolinas to organize and conduct the Veterans Day Ceremony on November 11 as requested.

PRESENTATIONS/RECOGNITIONS

FEMA/STATE EMERGENCY MANAGEMENT PRESENTATION

Representatives from FEMA, NC State Emergency Management, and the Small Business Administration presented to the Board and public on the recovery efforts from Tropical Storm Fred. Before presenting their information, the Manager thanked all the County's emergency management partners for their assistance with the recovery and for the services they provide to our citizens. She has received positive feedback from the community about the work they are doing.

John Boyle with FEMA spoke first. He explained that the response to Tropical Storm Fred is a federal recovery program effort with responsibilities divided between two agencies. They have been working with Buncombe, Haywood, and Transylvania Counties to provide individual assistance. Four other counties have been declared eligible to receive assistance. Additional counties in the region may be added. Mr. Boyle reported that President Biden made a major disaster declaration on September 8. FEMA representatives arrived in the area on September 9 and began meeting with local emergency management representatives. At that time, they were already receiving applications for assistance which was a good sign to him that people were getting the help they needed. Mr. Boyle pointed out that emergency management is locally led, state-managed, and federally supported.

Mr. Boyle talked about the Individual Assistance Program and how it provides grant monies for temporary housing, basic home repairs, and other disaster-related needs that may not be covered by insurance. Insurance is a homeowner's first line of defense, and Mr. Boyle promoted the importance of having flood insurance policies. Some homeowners may receive a flood insurance policy as part of their FEMA grant program paid for by the federal government temporarily. The homeowner would then need to continue the policy at their own expense; otherwise, they may not qualify for federal assistance in the future. Mr. Boyle encouraged the public to call FEMA toll-free or visit the FEMA website to register for assistance related to this disaster. People may also drop off documents at the library if they do not have access to a phone or computer. FEMA will continue to work with the State and affected counties to identify unmet needs.

As of September 26, FEMA has approved monetary assistance of \$1.83 million for 385 households in Buncombe, Haywood, and Transylvania Counties, including over \$400,000 for more than 80 households in Transylvania County. Disaster service assistance representatives remain in the field ready to help where needed. The deadline to register for assistance is November 8.

There are also funds available through the Public Assistance Program to assist with the damage to infrastructure, roads, bridges, parks, etc., and emergency protective measures that had to be taken before or during the disaster period. County emergency management staff should begin entering their requests for public assistance into the grant's portal on the FEMA website so that FEMA can begin reviewing the applications.

Mr. Boyle introduced Terrell Perry from the Small Business Administration (SBA) to present next. Ms. Perry stated that the goal of the SBA is for long-term recovery in the form of fixed interest rate loans to homeowners, renters, businesses, non-profits, and faith-based organizations. They provide four types of loans – physical damage loans, mitigation assistance, economic injury disaster loans, and military reservist loans. Approved applicants have up to six months to decide if they need the loan. During the life of the loan, one can take any portion of that loan to cover uninsured or underinsured losses. Approved applicants are required to have hazard and flood insurance during the term of the loan. The SBA does not lend money for debris removal, fences, or landscaping. The SBA is opening a business recovery center tomorrow at Blue Ridge Community College to which homeowners and renters are welcome. Ms. Perry stressed that SBA officials are on the ground and ready to assist the residents of North Carolina.

This concluded the presentation. Chairman Chappell encouraged people in attendance and watching remotely to share this information with anyone they know in need of assistance.

COVID-19 UPDATE

Public Health Director Elaine Russell updated the Board on the COVID-19 pandemic and the vaccine program. She thanked the Board for their ongoing collaboration, support, and commitment to working with the Health Department as they continue to help the community through the complications of COVID.

This is a summary of her presentation:

- In Transylvania County:
 - Percentage fully vaccinated 51% (17,654)
 - Percentage partially vaccinated 49% (16,955)
- Agency currently providing:
 - 1st and 2nd doses of Pfizer and Moderna
 - Additional doses of Pfizer and Moderna for immunocompromised
 - Working to update the standing order to start Pfizer booster doses later this week
- Additional doses
 - Pfizer and Moderna
 - At least 28 days after 2nd dose
 - Recommended for people who are moderate to severely immunocompromised
 - Extra protection for those who may not have had a strong enough immune response
- Booster doses
 - Pfizer only
 - At least six months after 2nd dose
 - Recommended for people who are:

- 65 years or older
 - Residents in long-term care (ages 18+)
 - Have underlying medical condition (ages 50-64)
 - Also, given to people who:
 - Have underlying medical condition (ages 18-49)
 - Work or live in high-risk settings (ages 18-64)
 - Extended protection for those whose immune response may have weakened over time
- Vaccines for children:
 - Pfizer has reported a smaller dose of its vaccine is safe and effective for ages 5-11; plans to apply to FDA to expand EUA soon
 - Moderna has reported good results for ages 12-17; clinical trials for ages 5-11 are expected to be completed soon
 - Johnson & Johnson conducting trials for ages 12-17
- In Transylvania County
 - 134 new cases were reported in the past seven days
 - 35% (47) of the 134 are 0-17 years of age
 - 14% (19) of the 134 are 0-11 years of age
 - Since March 2020, 135 hospitalizations
- Monoclonal antibody treatment (mAb)
 - Antibodies made in a laboratory and given by infusion or injection; can help reduce the likelihood of severe COVID-19 symptoms and the need for hospitalization
 - Available for people at high risk of severe illness who recently tested positive for COVID-19 and have had symptoms for 10 days or less
 - Some high-risk people may qualify for preventative treatment before showing symptoms
 - Currently available at 200 treatment centers in NC
 - On September 13, US DHHS transitioned from a direct ordering process to a state-coordinated distribution system
 - In North Carolina, providers order mAb through the state by Wednesdays

Ms. Russell provided an overview related to the algorithms school nurses use to make decisions on whether a student should be in isolation or quarantine. The information is based on guidance from the North Carolina Toolkit for Schools. Their goal is to always achieve the most days in the classroom for all students and to create a safe environment for them.

- Isolation is 10 days from symptom onset (plus 24 hours without fever and 24 hours with other symptoms resolved) or 10 days from a positive test
- Quarantine is up to 14 days from the last close contact but shorter based on symptoms and testing (10 days or 7 days)
- 64 students in isolation for positive COVID test (down 14 from September 12)
- 100 students under quarantine for close contact exposure (down 50 from September 12)
- Exceptions:
 - Anyone diagnosed with COVID-19 within the past 90 days does not need to isolate or quarantine again
 - Anyone fully vaccinated does NOT need to quarantine (but should mask and get tested)
 - A student within 3-6 feet of a positive person in a classroom setting does not need to quarantine if both the close contact and the person with COVID-19 were wearing masks

Next, Ms. Russell responded to questions posed to the Board during public comment at the previous meeting.

- In response to questions from the last meeting:
 - The handout showed cases from the NCDHHS Dashboard by the date tested compared to cases from the Weekly Update by the date reported
 - Cases by date reported are found on the Dashboard Summary and as “New Cases” on the Weekly Update
 - Cases by date tested are found on the Dashboard under the Cases tab and in the “Cases by Date Tested” graph on the Weekly Update; graphs are continually updated after results are reported
 - Some test results are more quickly than others, based on provider systems
 - Transylvania Public Health tends to run “ahead” of the Dashboard and reports new cases more quickly; older weeks show fewer cases as the Dashboard catches up on data already reported locally
 - Rapid antigen tests are designed to identify cases with a high enough viral load to be transmissible and very useful when quick decisions are needed about patient care or when PCR testing is not available
 - Antigen tests correctly identify >85% of positive cases and >97% of negative cases
 - Confirmatory PCR testing is not recommended after all antigen tests, only those that meet certain criteria:
 - A negative result for a person with symptoms of COVID-19
 - A positive result for a person with a very low likelihood of COVID-19 infection
 - Some providers in Transylvania County are conducting follow-up PCR testing after antigen tests in alignment with current CDC guidance (TPH staff have stated that confirmatory testing is *not necessary* after all antigen tests, in alignment with CDC criteria – not that it was not being done at all)
 - The percentage of antigen tests reflects testing availability and choice by county residents

Commissioner McCall was very appreciative of the work Ms. Russell and her staff have done to combat this virus. She expressed frustration with how the guidance has continued to change and that officials no longer consider natural immunity. She also felt that school nurses were not being allowed to do their jobs effectively.

Commissioner McCall asked for clarification on the home tests. She said she heard that a positive home test is accepted by the School System as being positive for COVID, but a negative home test releasing the student back to school is not accepted. Ms. Russell stated the Health Department has been selective about how home tests are accepted. North Carolina DHHS has yet to provide them with guidance. In their defense, Ms. Russell stated this is the first time in our history that there is a home test for a mandatory reportable disease.

There was no further discussion.

APPOINTMENTS

APPOINTMENT OF REVIEW OFFICERS FOR TRANSYLVANIA COUNTY

N.C.G.S. § 47-30.2 requires the board of commissioners of each county to designate one or more persons experienced in mapping or lands records management to be appointed as a Review Officer to certify maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording. With the turnover in the Planning and Community Development department over the last few months, the list of Review Officers for Transylvania County needs to be updated to reflect current staffing.

The Planning and Community Development department has a new Administrative Support Specialist with the hiring of Ashley Minery. On June 17, 2021, Ms. Minery completed the North Carolina Secretary of State Department's Plat Review Workshop. Having completed this training, Ms. Minery should be added to the resolution appointing her as a Review Officer. In addition, staff requested to remove Darby Terrell, former County Planner no longer employed with Transylvania County, and Beth Webb, former Administrative Support Specialist who transferred to another department, as Review Officers.

Commissioner McCall moved to approve Resolution #29-2021 Appointment of Review Officers for Transylvania County and instructed the Clerk to the Board to record the resolution with the Register of Deeds, seconded by Commissioner Chapman and unanimously approved.

**RESOLUTION #29-2021
APPOINTMENT OF REVIEW OFFICERS FOR TRANSYLVANIA COUNTY**

WHEREAS, Chapter 47-30.2 of the North Carolina General Statutes requires the Board of Commissioners of each county to designate by name one or more persons experienced in mapping or land records management to be appointed as a Review Officer to certify the maps or plats presented to the Register of Deeds as complying with all statutory requirements for recording; and

WHEREAS, the review of statutory requirements is of a technical nature; and

WHEREAS, one of the services that Transylvania County staff provides to the community is a similar technical process for subdivision plat review in order to verify compliance with the County's development regulations; and

WHEREAS, Transylvania County is committed to streamlining the review procedures for proposed developments and subdivisions of land; and

WHEREAS, it appears most efficient for Transylvania County to avoid adding another layer of development review by providing for the certification of statutory compliance for all maps or plats to be presented to the Register of Deeds for recording within the context of subdivision review procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF TRANSYLVANIA COUNTY:

Section 1. The addition of the following person is recommended to be appointed by the Transylvania County Board of Commissioners to serve as Review Officers for all lands within Transylvania County's planning jurisdiction in order to certify each map and plat presented to the Transylvania County Register of Deeds for recording satisfies the statutory requirements for recording

<u>NAME</u>	<u>POSITION/TITLE</u>
Ashley Minery	Administrative Support Specialist, Transylvania Count Planning and Community Development Department

Section 2. The removal of the following persons as Review Officers for Transylvania County is recommended.

<u>NAME</u>	<u>POSITION/TITLE</u>
Beth Webb	Program Support Assistant, Transylvania County Planning & Community Development Department

Darby Terrell County Planner, Transylvania County Planning and Community Development
Department

Adopted and approved this the 27th day of September 2021.

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

Chairman Chappell called for a 10-minute recess. The meeting reconvened at 7:33 p.m.

OLD BUSINESS

FIRE DEPARTMENT CONTRACTS UPDATE

Per his request, Chairman Chappell allowed Cedar Mountain Fire Rescue Chief Davie Summey to address the Board. He stated that over the last few weeks, the department has been working to resolve some issues they have with their new contract with Transylvania County. He shared that the department received the new contract on June 16 with instructions to sign and return the contract by July 1, which did not provide them with adequate time for review and comment, nor did their board of directors have a scheduled meeting during that timeframe to consider the new contract. Therefore, he advised the Fire Marshal that they would not be able to meet the County's deadline of July 1. The fire department's board met on July 3 and directed him to contact the County to get answers to questions they had about the contract. Following a meeting with County officials, they agreed to all the terms except two and thus turned those issues over to their legal counsel. Counsel for both the County and fire department have not been able to reach a consensus over those two items. Mr. Summey stated that if the contract were to expire, another department or agency would have to provide fire and rescue services in this district, and citizens there would see an increase in their insurance premiums or lose coverage altogether. Mr. Summey sought resolution to this contract dispute through mediation and requested the Board of Commissioners consider extending the due date to November 30.

Before turning over the presentation of this agenda item to Assistant County Manager David McNeill, the Manager shared that staff provided a deadline to the departments on which to sign their new contracts as directed by the Board of Commissioners. The due date was last Friday. The staff did not receive a response from Cedar Mountain or Lake Toxaway. Therefore, the staff intends to present plans to the Board for providing fire protection in those districts that would include using the funds from those respective districts and establishing temporary contracts for service. The Manager provided hard copies of the former and new contracts with the changes highlighted for comparison purposes. She said the new contract has two major changes. One is the audit requirement which Commissioners have been discussing for 18 months. The other is a legal change as recommended by the County Attorney concerning indemnity and other language that is standard to such contracts. The Manager also provided the Board with a timeline that shows communication between both parties' attorneys. She also provided them with a copy of a letter from the County Attorney addressed to the departments' attorneys further explaining the changes.

Mr. McNeill recalled that the Board of Commissioners instructed staff to draft a standardized contract for fire and rescue service departments which the Board approved in June. As of September 24, 2021, five of the seven departments have signed the new contract. The exception is the City of Brevard Fire Department which signed an updated contract version in 2020. Neither Cedar Mountain nor Lake Toxaway has signed the new contract. On July 12, the Board of Commissioners, per the terms of the new contract, authorized staff to notify these departments that the contract will terminate in 90 days. Staff notified the two departments on July 14 that their contract to provide fire and rescue services within their respective districts expires on October 12.

Since the notification, County staff has been working to plan and coordinate fire and rescue services in these districts should Cedar Mountain or Lake Toxaway choose not to execute the standardized fire protection contract. The contracts also solidify participation in the audit process which is underway. Staff is concerned that refusal to sign the contracts could delay the audit process.

The County Attorney reviewed the objections from the departments' attorneys and recommended no changes to the contract noting that it is consistent with the contract the other departments agreed to and signed.

Mr. McNeill reported that staff contacted the North Carolina Department of Insurance to inquire about the impact on the fire insurance protection should the departments continue their refusal to sign the contracts. He learned that if the departments do not execute the contracts, the County should notify the State Fire Marshal's office which will kick off an administrative process that could take up to 12 months. The County should also notify the State Fire Marshal once the Board decides how they intend to provide services in those districts. The State Fire Marshal will then conduct an inspection to assign the appropriate rating.

The staff has consulted with Connestee Fire Rescue about providing fire and rescue services in the Cedar Mountain district. They are evaluating equipment and personnel needs to ensure quality services are available to those citizens. It will require a transfer of funding from the Cedar Mountain fire service tax to support those services. Likewise, staff has consulted with Rosman Fire Rescue to position resources to cover the Lake Toxaway fire district.

Mr. McNeill stated it is important to note that Cedar Mountain and Lake Toxaway are two very different fire districts. He also publicly recognized Connestee and Rosman Fire Rescue departments for their willingness to work with the County to ensure fire, rescue and medical first response is available within those districts. He requested Commissioners authorize entering into an agreement with those two departments to provide fire rescue services in the Cedar Mountain and Lake Toxaway fire service districts, as well as authorize the use of the fire district taxes to meet those needs. Approval would include the assignment of equipment and personnel for the provision of fire and rescue services. Staff will continue working on a long-term plan for those districts in the meantime.

The Manager referenced the hard copies of documents she placed on the Board's dais and asked if they needed to discuss the specifics of any of those documents. She emphasized that to move forward with the countywide audit of the fire and rescue departments, both Cedar Mountain and Lake Toxaway must execute the new contracts. In addition, if the contracts are allowed to expire on October 12, the County must prepare to provide fire protection services to citizens the next day and thus staff will need to finalize contracts with Connestee and Rosman.

Commissioner McCall asked about what happens to fire departments if they are unable to respond to calls for service and how that impacts the fire insurance rating. Mr. McNeill responded that the County would not dispatch them on calls because there would be no contract for service in place. According to the Office of the State Fire Marshal, the rating is attached to the particular fire department and each department is responsible for maintaining its rating which involves having a contract to provide services. The State Fire Marshal would notify the department and place them on probationary status for six months. During that time, the department should be working with the County to resolve the contract issue. After that timeframe, if neither party agrees, the State Fire Marshal would conduct a 9S inspection to determine compliance. The departments' articles of incorporation would inform the next steps.

Commissioner Guice stated these departments have been held in the highest esteem in our community and he was unsure why the contract dispute still exists. He pointed out that their attorneys are seeking to

provide the best legal advice for them just as the County Attorney does for Transylvania County. While the County Attorney has made recommendations for the new contract, the decision regarding the indemnity clause and using the courts for mediation remains with the Board. He felt the Board could resolve these issues with Cedar Mountain and Lake Toxaway without having to contract with other departments which could have a profound impact on citizens in terms of public safety.

At the request of Commissioner McCall, the Manager reviewed in greater detail the two issues that remain in dispute. The Manager explained that the County Attorney recommended the addition of the indemnity clause because, under the North Carolina Constitution, counties are prohibited from agreeing to indemnify another party. The language is there to clarify that the County is not responsible for any decisions, good or bad, made by the other party; only that the County is a funder of that department. The Manager explained there is a trend across North Carolina right now where taxpayers are paying higher property taxes simply to cover the cost of excessive court awards. There is no protection for them because local governments cannot simply claim bankruptcy. The Manager stated the two departments also challenged the language about taking disputes to court and the fire departments want to reserve their right to do the same. The County Attorney recommended keeping the language in the contract. She emphasized that the five other departments have signed their contracts. If language were removed to satisfy these two departments, it would be necessary to do the same for the other departments to meet the goal of having standardized contracts in place.

Commissioner Guice asked the Board to pause before making any decisions. He believed the recommendation before the Board is a mistake because the decision will impact the community for years to come.

Commissioner Chapman felt it was wise to take the advice of the County's legal counsel. He pointed out the other five departments must not have had an issue with the language because they have signed their contracts. While he does not want to be forced into a contract with other departments, he is concerned about the timing and the pending expiration of the current contract. He felt the two departments have had ample time to negotiate and thus the Board should not delay the decision further.

Commissioner Guice questioned the County staffs' willingness to negotiate the terms of the contract. He felt staff drafted the contract and then demanded the fire departments sign it. Again, he asked the Board to pause to ensure they were making the right decision.

Commissioner McCall stressed that each Commissioner has the utmost respect for the fire departments and the great service they provide to the community. She was confident that the County Manager and Assistant County Manager have worked diligently to bring these contracts to an agreement.

Commissioner McCall moved to authorize the County Manager and Assistant County Manager to proceed with exploring what actions need to happen to provide services to these two communities should Lake Toxaway and Cedar Mountain choose not to sign contracts by the October deadline and continue entertaining discussion with them if they so choose and to authorize the County Manager and Assistant County Manager to ensure resources are in place should they be needed, seconded by Commissioner Chapman. Commissioner Guice sought clarification on the motion that the request is to have staff bring back a recommendation before the Board. Commissioner McCall stated yes and noted the Board of Commissioners meets again on October 11. Commissioner Guice asked if the recommendation from staff could include a signed contract by those two departments at that time. Commissioner McCall concurred. **Commissioner Guice moved to amend the motion to require the County Manager, County Attorney, fire chiefs, and their attorneys to meet to try to resolve this issue as this other process is going on. If someone does not show up, we will have made the effort to have this meeting and resolve the issue. Further, he asked the County Manager to contact the UNC**

School of Government to see if they have someone who can come and help mediate this discussion. The motion to amend died due to the lack of a second. The Manager informed Commissioners that staff could bring draft temporary contracts by the October 11 meeting for approval, if by then the two fire departments have not signed their contracts. She stated the only challenge is there may be some temporary staffing needs and the like with the other two departments to ensure they are ready to provide fire and rescue services. Because of the time crunch, staff could give Cedar Mountain and Lake Toxaway 24 or 48 hours to sign, then move forward with alternate arrangements if they refuse. Commissioner Guice commented that Rosman has struggled over the years with covering their district. Mr. McNeill informed Commissioners that staff has had conversations with Rosman about repositioning some of their existing equipment strategically. In the meantime, staff would continue working with them to identify their equipment and staffing needs to provide services temporarily. The County has contacted departments in Cashiers as well. Commissioner Guice was concerned about how this is going to cost the taxpayers because there is already a strain on volunteers and equipment availability. Chairman Chappell emphasized that this is not meant to be a permanent fix, but a temporary solution to ensure coverage if the two departments do not sign the contracts. Due to concerns about timing, **Commissioner McCall moved to amend the motion that the two fire departments must decide by October 4 on their intent to sign or staff will move forward with the proposed recommendations, seconded by Commissioner Chapman, and passed by a vote of 4 to 1, with Commissioner Guice voting against.** There was no further discussion, **and the main motion passed by a vote of 4 to 1, with Commissioner Guice voting against.**

NEW BUSINESS

REQUEST BY TRANSYLVANIA COUNTY SCHOOLS TO PURCHASE PROPERTY

Norris Barger, Finance Director for Transylvania County Schools presented this request to the Board. He reported during the spring the School System had an opportunity to purchase property in Rosman as part of a solution to meet their temporary needs for the bond construction projects. While the property offers a temporary solution during construction, it will serve a long-term purpose for different types of uses following some renovations. In June, the Board of Education authorized Superintendent McDaris to negotiate an offer for the purchase which was approved by the Board of Education in August for \$100,000. North Carolina General Statutes require the Board of Commissioners to approve the purchase, hence the purpose of this agenda item. If approved, the Board of Education would purchase the property using the available fund balance, and thus it would be separate from the bond funds.

Commissioner Guice asked if the School System had conducted any soil testing on the property given its past use as a gas station. Mr. Barger reported that the School System completed a phase one environmental assessment. Due to the nature of the property's past use, Mr. Barger stated that a phase two assessment will be completed during the 90-day due diligence period which is set to begin once the Board of Commissioners approves the purchase. During the due diligence, the Board of Education can back out of the purchase if necessary.

Commissioner McCall asked if the underground storage tanks have been removed. She was concerned about future expenses related to them remaining onsite. Mr. Barger reported the storage tanks remain and the Board of Education has not yet decided whether to leave them, remove them, or simply close them. He said the Board of Education will have to make that decision once the phase two assessment is complete. This assessment will include the status of the tanks and any related costs to mitigate, if necessary.

Commissioner Guice moved to approve the purchase price, to move forward with the Phase 2 examination, and require this item to come back to the Board of Commissioners for final approval after the study information is made available, seconded by Commissioner Chapman.

Commissioners were supportive of the purchase, but they wanted to be aware of any substantial costs related to the storage tanks. **The motion was approved unanimously.**

The Manager clarified that the Board requested the School System to come back before the Board for final approval following the environmental assessment. So, the Board's approval is conditional at this point. The intent of the motion was for the School System to move forward contingent on satisfaction with the phase two environmental assessment. The Board of Commissioners wants to ensure there are no substantial costs related to the purchase should the assessment reveal mitigation or additional monitoring is necessary.

Following discussion, Commissioner Guice stated the motion was not intended to make the purchase price contingent upon the phase two assessment.

Board of Education Chairwoman Tawny McCoy addressed the Board briefly and stated that the only action the School System needs at this point is for the Board of Commissioners to approve the purchase price.

Commissioner Guice moved to rescind the previous motion, seconded by Chairman Chappell, and unanimously approved.

Commissioner Guice moved to approve the request as presented, seconded by Commissioner McCall, and unanimously approved.

REQUEST APPROVAL FOR TRANSYLVANIA COUNTY TRANSPORTATION TO APPLY FOR FY 2023 PUBLIC TRANSPORTATION PROGRAM FUNDING

County Transportation Coordinator April Alm recapped her presentation from the public hearing and asked the Board to approve the recommendation from the staff.

Commissioner Chapman moved to grant permission for Transylvania County Transportation to apply for FY2023 Public Transportation Program funding, enter into an agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match, and adopt Resolution 28-2021 – 5311 Designee Certification, seconded by Commissioner Guice and unanimously approved.

5311 DESIGNEE CERTIFICATION FORM
Resolution No. 28-2021

Resolution authorizing the filing of applications with the North Carolina Department of Transportation– Integrated Mobility Division for grant years FY2023– FY2027, for federal transportation assistance authorized by 49 U.S.C. 5311, United States Code, other federal statutes administered by the Federal Transit Administration, or state statutes administered by the State of North Carolina.

WHEREAS, the North Carolina Department of Transportation has been delegated authority to award federal financial assistance for transit projects as allocated throughout North Carolina by County;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF TRANSYLVANIA COUNTY

1. That Chairman of the Board of Commissioners is authorized to execute and file an application for federal assistance on behalf of the County of Transylvania with the State of North Carolina for

federal assistance authorized by 49 U.S.C. Chapter 5311 United States Code, other federal statutes or state statutes authorizing a project administered by the Federal Transit Administration.

2. That Chairman of the Board of Commissioners is authorized to execute and file with its applications the annual certifications and assurances and other documents the State of North Carolina requires before awarding a federal assistance grant or cooperative agreement.
3. That Chairman of the Board of Commissioners is authorized to execute grant and cooperative agreements with the State of North Carolina on behalf of the County of Transylvania.

The undersigned duly qualified Chairman of the Board of Commissioners, acting on behalf of the County Commission of Transylvania County, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the County Commission of Transylvania County held on September 27, 2021.

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

INTERGOVERNMENTAL AGREEMENT BETWEEN TRANSYLVANIA COUNTY SHERIFF'S OFFICE AND US MARSHALS SERVICE

The Manager reported that the Sheriff's Office has negotiated an agreement with the United States Marshals Service to house federal inmates in the Transylvania County Detention Center. While the Sheriff has the independent authority to negotiate and sign agreements to house inmates, this agreement requires additional expenditures that would modify the budget and thus requires approval by the Board of Commissioners.

The Manager asked Captain Jeremy Queen to provide an overview of the proposed agreement, as well as the additional associated revenues and expenditures that are expected with the execution of the agreement.

Captain Queen equated this proposal to a mutual aid agreement that the Sheriff's Office typically has with other agencies, such as the Brevard Police Department and Henderson County Sheriff's Office. The US Marshals Service has agreed to pay Transylvania County a rate of \$80 per day per inmate. For comparison purposes, Captain Queen noted that Transylvania County currently receives \$40 per day per inmate from the State Misdemeanant Confinement Program. In return, the Sheriff's Office has agreed to provide 20 beds for male inmates and five beds for female inmates. To meet the terms of the agreement, the US Marshals Service requires two armed law enforcement officers to transport federal prisoners from one location to another and will pay \$26.59 per hour per officer. The Sheriff's Office will have the ability to renegotiate these rates every 36 months. Both parties may opt out of the agreement by doing so in writing 30 days before the expiration of the contract.

The "extra" costs resulting from entering into this agreement are the transport officers. The Sheriff's Office will provide medical care to the federal inmates under its current contract with Wellpath at no additional cost. The US Marshals Service will provide monetarily for any medical care required outside of the jail facility, e.g., hospital, dentist, etc.

To provide some background, Captain Queen reported that the Detention Center has 114 beds separated into three housing units called pods: A-Pod has 48 beds, B-Pod has 44 beds, and C-Pod has 22 beds. The current average daily population is 47 inmates. Before COVID-19, the average daily population was 88 inmates. The pandemic has created a backlog of court cases impacting sentencing and the State Misdemeanant Confinement inmates. Jail management has limited housing of inmates from other counties to reduce the risk of exposure. Another factor lowering the number of inmates is that other

counties have built new jail facilities and they now have space to house their inmates as well as out-of-county inmates.

Captain Queen stated that at 100% capacity – 25 federal inmates at \$80 per inmate per day – the contract would generate \$730,000 in annual revenue. At 80% capacity, the contract would generate \$584,000 in revenue. Half capacity would still bring in a half-million dollars.

He shared that logistically the Detention Center would have to open the third pod if this agreement is approved. The fiscal impact to the expenditures side of the budget would be approximately \$123,000 for the two officers and the possibility of another transport position and the purchase of a transport vehicle. The Sheriff's Office would assess the needs further after entering into the agreement. Discussions between County Administration and the Sheriff's Office resulted in a proposal to set aside 15% of the revenue after expenses annually to go into an assigned reserve for capital purchases for the Sheriff's Office. This would help fund the transport vehicles or other items not already budgeted. The remaining revenue would go into the general fund.

Staff asked the Board of Commissioners to approve moving forward with the agreement to include the two additional positions and to set aside a percentage of revenue for capital purchases.

Commissioner Guice asked for clarification that this contract commits 25 beds for use by federal inmates only. However, the County will be paid only when those beds are filled. Captain Queen confirmed. He reported that he pushed back on this during the contract negotiations because he wanted a guarantee that the County would be paid for those beds whether they were full, but Marshals Service would not make that guarantee in writing. However, Captain Queen reported that the US Marshals Service expressed confidently that those beds would be filled.

Commissioner Guice suggested identifying and setting aside the 25 beds but questioned the need at this time for spending money on additional staff to open a new cell block. He suggested there are enough beds available now without opening the new block. Captain Queen confirmed there are enough beds currently. Commissioner Guice cautioned spending the additional funds until it becomes an actual need.

The Manager noted that she had conversations with the Sheriff's Office about contingency plans to include the reassignment of officers if the average daily inmate population dropped. The Sheriff's Office typically has vacancies due to the difficulty of recruiting law enforcement officers in the current climate.

Captain Queen spoke about how the facility is set up in terms of the particular housing units (pods). As stated earlier, one pod has 48 beds for the male population. The current female inmate population is low. To house the federal inmates, it would be necessary to open up the third pod for the 20 federal inmate beds which would put it at half capacity if all the federal beds are taken. In response to a question from Commissioner Guice, Captain Queen stated there are no special requirements for the federal inmates meaning they can be commingled with other inmates. Their classification would be based on the criteria assigned to them by the Transylvania County Detention Center (violent vs nonviolent). Again, the only requirement by the US Marshals Service is the ability to transport which is paid for via the agreement.

Commissioner McCall asked for clarification on the salary coverage for the two transport officers. She asked if the agreement covers the salaries in full or only during times of transport. Captain Queen reported the agreement only pays during times of transport but includes a mileage rate. In the meantime, those two positions would be combined with the two positions currently working a day shift to provide four officers per shift, which means having a fifth officer on shift to ensure each station is running smoothly inside the facility. Once the County starts receiving federal inmates, these two officers will be

needed to monitor those inmates in the pods. Captain Queen noted the Detention Facility currently has two vacancies.

Commissioner Chapman requested periodic updates on how the federal inmate program is going to keep Commissioners in the loop.

Chairman Chappell and Commissioner Guice expressed their appreciation to past Boards and administration for having the forethought to build a jail facility that could handle a higher-level capacity and be expanded if needed.

Commissioner Guice moved to approve moving forward with the agreement and to approve the two additional positions and the revenue capital set-aside as proposed, seconded by Commissioner Dalton, and unanimously approved.

ROSMAN FIRE DEPARTMENT APPARATUS "MINI PUMPER" LOAN REQUEST WITH HOME TRUST BANK

Assistant County Manager David McNeill presented this item to the Board. He requested the Board approve and complete the documentation needed for Rosman Fire Rescue to apply for a tax-exempt loan for a mini pumper. Having the mini-pumper will allow them to access hard-to-reach areas/driveways that they could not otherwise access with the large apparatus. Since the department has paid off other debt, the loan does not decrease their debt service and is within their budget.

Commissioner Chapman moved to direct staff to complete the loan paperwork that states Rosman Fire Rescue, Inc. is a qualified VFD assigned to protect their specific fire district and they are meeting the requirements of their fire service contract, seconded by Commissioner McCall and unanimously approved.

DISCUSSION ON FORMATION OF BLUE RIDGE COMMUNITY COLLEGE COMMITTEE ON CAPITAL FUNDING

Chairman Chappell requested this item on the agenda for a brief discussion. He stated that Commissioners have met individually with the President of Blue Ridge Community College and the Associate Vice-President, as well as members of the Board of Trustees. During those meetings, College representatives suggested the formation of a committee to determine future capital funding. The College recently completed a capital needs study that identified \$20 million in capital needs. This is not an item for action at this meeting. Chairman Chappell asked Commissioners to give some thought to the makeup of the committee for a future appointment. In the meantime, the Manager will begin working on a proposal for the committee charter with input from the Board.

MANAGER'S REPORT

The Manager reported the following:

- Those who sustained damage from Tropical Storm Fred need to register as soon as possible at <http://www.DisasterAssistance.gov> or by calling 1-800-621-FEMA(3362) or 1-800-462-7585 (TTY) for the hearing and speech impaired. The toll-free telephone numbers will operate from 7:00 a.m. to 9:00 p.m. (local time) seven days a week. There is a document drop-off located at the library now through Thursday. Assistance is also available for Spanish-speaking individuals.
- Legal assistance for those affected by the disaster will be available at the Library's Rogow Room this coming weekend. The purpose is to help citizens navigate the FEMA process. More information will be pushed out through social media.

- The SBA has opened an office at the Blue Ridge Community College on weekdays from 8 a.m. to 4:30 p.m. Citizens should apply for both FEMA and SBA assistance because doing so could unlock eligibility for other programs. There is an appeals process in place for assistance denials.
- OSHA standard for the vaccine mandate vs weekly testing could have budget and staffing implications that may also impact the level of services, as well as recruitment for frontline employees. Staff continues to wait on further OSHA guidance. There are pending legal challenges to the mandates as well. The Manager is assessing services to understand the impacts of the mandate if it holds up.
- The Manager has been appointed to the North Carolina City-County Manager's Association Board of Directors and will participate in her first meeting in November.
- Great news for Smart Start! Dogwood Foundation has granted a \$2 million grant that will help expand the Sesame Street partnership throughout Western North Carolina with toolkits, including a focus on childhood resiliency. This builds upon the success of GetSet Transylvania.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Chapman shared that someone forwarded a video clip of a meeting between the Superintendent of Transylvania County Schools and a group of teachers. He said in that video the Superintendent made very disrespectful comments about the Board of Commissioners concerning the school bond. Commissioner Chapman asked to go on record that the Board of Commissioners supported the Board of Education's request for a school bond for \$68 million, and thus if there is not enough money to do what the Board of Education wants to do, the blame should lie with them. He also stated that since the passage of the bonds three years ago, the Board of Education has spent \$3 million and has yet to break ground on any of the projects. Meanwhile, the project estimates continue to rise. He stated there needs to be transparency by the Board of Education because the public is not going to see the outcome that they anticipated when they approved the bond. Commissioner Chapman reminded the public that the Board of Commissioners is not obligated to issue the bonds.

Commissioner McCall was appreciative of the opportunity to serve on the 100 Counties Prepared Task Force. She was in attendance at the NCACC Annual Conference when President Williams announced this initiative and she felt it would be a great initiative. Little did she know that Tropical Storm Fred would heavily impact Transylvania County just a few days later. She thanked the Board of Commissioners for the opportunity to serve and she is confident that the initiative will be successful.

Chairman Chappell shared that NCACC President Williams was one of the first people who called him following Tropical Storm Fred offering his assistance and prayers for your community. He was unaware of the initiative at the time, but he was very appreciative of the phone call.

Chairman Chappell expressed appreciation to our state representatives for their advocacy in Raleigh. Transylvania County is well-represented in the State budget which will bring much-needed dollars back to our County. He thanked our representatives for the work they do on behalf of Transylvania County.

Chairman Chappell moved to enter into closed session per North Carolina General Statute § 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and per North Carolina General Statute § 143-318.11 (a) (5) To establish, or

to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, following a 10-minute recess, seconded by Commissioner McCall and unanimously approved.

CLOSED SESSION

Per North Carolina General Statute § 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and per North Carolina General Statute § 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, a closed session was entered into at 9:38 p.m. Present were Chairman Chappell, Commissioners Chapman, Dalton, Guice and McCall, County Manager Jaime Laughter, County Attorney Natalia Isenberg (via Zoom meeting software), and Clerk to the Board Trisha Hogan.

Commissioners consulted with the County Attorney on a privileged matter and directed staff on how to proceed.

Chairman Chappell moved to leave the closed session, seconded by Commissioner Dalton, and unanimously approved.

OPEN SESSION

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

ADJOURNMENT

There being no further business to come before the Board, **Chairman Chappell moved to adjourn the meeting at 10:12 p.m., seconded by Commissioner Chapman and unanimously approved.**

Jason R. Chappell, Chairman
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board