

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
March 31, 2022 – SPECIAL MEETING

The Board of Commissioners of Transylvania County met in a special session on Thursday, March 31, 2022, at 2:30 p.m. The purpose of the meeting was to address the County's financial obligations concerning the current Board of Education proposal for the renovation of Brevard High School and Rosman High School. The Board did not intend to vote on whether to approve the proposal at this meeting. Following this item, the Board went into a closed session as allowed by North Carolina General Statutes.

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 John Kubis participated remotely via Zoom meeting software.

Media: Dan Dewitt – *Brevard Newsbeat*
Jonathan Rich – *The Transylvania Times*

There were approximately 15 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 2:33 p.m.

WELCOME

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

BUSINESS

Chairman Chappell read aloud the special meeting notice for the benefit of the public and to ensure everyone was clear on the purpose of this meeting.

NOTICE TO PUBLIC
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
SPECIAL CALLED MEETING

Notice is hereby given that the Transylvania County Board of Commissioners will hold a special meeting on Thursday, March 31, 2022, at 2:30 p.m. The purpose of the meeting is to address the County's financial obligations with regard to the current Board of Education proposal for renovation to Brevard High School and Rosman High School. The Board of Commissioners will not be voting on whether to approve the proposal at this meeting. The Board of Commissioners will also meet in closed session per N.C.G.S. § 143-318.11 (a) (3) To consult with an attorney in order to preserve the attorney-client privilege, (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, and (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. The meeting will be held in Commissioners' Chambers in the Transylvania County Administration

Building, located at 101 S. Broad St., Brevard, NC. The meeting is open to the public in accordance with NC Open Meetings Law.

This the 29th day of March 2022.

*Trisha M. Hogan
Clerk to the Board*

Chairman Chappell read aloud a letter from the County Attorney to the Chairwoman of the Board of Education and the Project Architect on the Board of Commissioners' requested action.

March 31, 2022

Dear Tawny and Chad:

I write in follow up to the Board of Education's March 17, 2022, correspondence in which the Transylvania County Board of Education provided responses to the County Board of Commissioners' supplemental requests. Based on the information provided, the Board of Commissioners believes the best course of action is to seek a second opinion as to the prospective cost of construction. To date, architectural fees incurred amount to \$3,257,951.20. This amount has been incurred before any substantive work has been performed. Pursuant to the Architect's proposed Option #1, an additional \$2,485,744 in projected design fees are now required to reduce the scope of the project. Given the limitation on the remaining funding amount, every dollar spent on design reduces the amount available to accomplish the Board of Education's substantive construction needs. In order to maximize the funds available for construction, the Board of Commissioners will retain an architectural consultant to review the project scope, fees incurred to date, and projected material costs over the course of the project. This will provide the County taxpayers the necessary assurance that the amount requested is in keeping with the industry standard and the realities of the current market and will help the Board of Commissioners to meet the fiduciary responsibility it has to the citizens of the County. More importantly, this review will provide the Board of Education with the best resources possible to accomplish its stated goals. Once that review is completed, the Board of Commissioners will be in a position to vote on the Board of Education's proposal.

Sincerely,

*William A. Bulfer, County Attorney
Transylvania County*

Commissioner Chapman moved to approve the draft letter, authorize the Chairman to sign the draft letter, and authorize the County Manager, on behalf of the Board of Commissioners, to retain an architectural consultant for the reasons stated in the letter, and after review, the Board of Commissioners will be in a position to vote on the Board of Education's proposal, seconded by Commissioner Guice. Commissioner Guice inquired about the cost of the consultant's work and where the funds will come from. The Manager reported that she is waiting to receive the cost figures from the attorney. She also reported that the Board of Commissioners has funds set aside for these types of items under the contract services line item in their budget. Commissioner Guice stated that it is important for Commissioners to have an opportunity to ask questions and obtain the information necessary for them to make decisions. For this reason, he was supportive of the motion. Commissioner Chapman stated that an important component of the letter stresses that it is the Board of Commissioners that has the fiduciary responsibility to the taxpayers. He acknowledged the passage of the bond referendum but wanted to ensure the public gets what they voted for. Chairman Chappell commented that none of the

Commissioners are experts in construction and construction-related costs, so he supported the proposal to obtain an unbiased professional opinion to advise the Board of Commissioners so they can make an informed decision. He stressed that each Commissioner has a vested interest in the success of our public schools while also having the fiduciary responsibility to all citizens of Transylvania County to make the most informed decisions. He said the Board hopes to have the necessary information for a decision on the Board of Education's proposal at the April 25 meeting. **The motion passed unanimously.**

Chairman Chappell moved to enter into closed session per N.C.G.S. § 143-318.11 (a) (3) To consult with an attorney in order to preserve the attorney-client privilege, (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, and (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, following a 5-minute recess, seconded by Commissioner Chapman and unanimously carried.

CLOSED SESSION

Per N.C.G.S. § 143-318.11 (a) (3) To consult with an attorney in order to preserve the attorney-client privilege, (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, and (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, a closed session was entered into at 2:45 p.m. Present were Chairman Chappell, Commissioners Chapman, Dalton, Guice and McCall, County Manager Jaime Laughter, County Attorney John Kubis (via Zoom meeting software), County Attorney Patrick Scott (on standby via Zoom meeting software), and Clerk to the Board Trisha Hogan.

The Board of Commissioners met in a closed session to consult with the County Attorney on a privileged matter, discuss an economic development opportunity, and advise staff on the negotiating terms for the potential acquisition of property.

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

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 approved.

ADJOURNMENT

There being no further business to come before the Board, **Chairman Chappell moved to adjourn the meeting at 3:33 p.m., seconded by Commissioner Dalton and unanimously approved.**

ATTEST:

Jason R. Chappell, Chairman
Transylvania County Board of Commissioners

Trisha M. Hogan, Clerk to the Board