

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**April 27, 2020 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, April 27, 2020 at 6:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

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

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

There were approximately five people in the audience, including three presenters (Sheriff David Mahoney, Health Director Elaine Russell, and Transylvania Economic Alliance Executive Director Josh Hallingse.)

**CALL TO ORDER**

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

**WELCOME**

Chairman Hawkins welcomed everyone to the meeting. He noted the format of the meeting has been modified to practice social distancing to prevent the spread of the COVID-19 virus. He introduced Commissioners and staff in attendance.

**PUBLIC COMMENT**

Esther and Mark Koppel: (The Koppels submitted written comments prior to the meeting.) Mr. and Mrs. Koppel are owners of Ash Grove Mountain Cabins and Camping. They felt the Board's recent resolution restricting short-term rentals was contradictory and open to interpretation. They felt they have been unfairly targeted by the order as being unsafe which has forced them to turn away people who have legitimate reasons for being in Transylvania County. Should the Board decide to extend the restrictions on short-term rentals, Mr. and Mrs. Koppel asked that the Board clarify the details of the order so that all short-term rentals are affected equally.

**AGENDA MODIFICATIONS**

Staff requested to add Item IV-G Approval for Transportation to Apply for FY 2020 CARES Grant under the Consent Agenda. There were no agenda modifications from Commissioners.

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

**CONSENT AGENDA**

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

The following items were approved:

#### DISCOVERY, RELEASE AND MONTHLY SETTLEMENT REPORT

Per NC General Statute § 105-312 (b), it is the duty of the Tax Administrator to see that all property not properly listed during the regular listing period be listed, assessed and taxed. The Tax Administrator shall file such reports of discoveries with the Board of Commissioners. Per NC General Statute § 105-381 (b), it is the duty of the Tax Administrator to provide a monthly report to the Board of Commissioners of the actions taken by the Tax Administrator on requests for release or refund, which shall be recorded in the minutes. For March 2020, there were no tax dollars released. Refunds totaled \$687.95. The Board approved the Discovery, Release and Monthly Settlement Report for March 2020 as submitted.

#### COMMUNITY CHILD PROTECTION TEAM ANNUAL REPORT

NC General Statute § 7B-1406 requires that the team submit an annual report to the board of county commissioners which contains recommendations, if any, and advocates for system improvements and needed resources when gaps and deficiencies exist. A complete report was included in the Board's agenda packet.

Commissioner Lemel stated that this committee has done great work over the last six months and is comprised of members who represent those on the frontlines in terms of addressing the challenges children face. She shared the six identified needs and service gaps from the report, keeping in mind that the community is under severe stress right now.

1. Transylvania County has a very limited number of available foster care homes to accommodate large sibling groups and medically fragile infants
2. Transylvania County has limited substance abuse and mental health treatment providers available for parents and caregivers who are uninsured
3. Transylvania County has limited substance abuse and mental health treatment providers available outside of traditional business hours and service delivery
4. Transylvania County has a lack of prevention services aimed at increasing knowledge of parenting and child development, as well as parental support
5. Transylvania County has a lack of accessible quality affordable intensive and long-term mental health and substance abuse services
6. Transylvania County has a lack of affordable housing options

Commissioner Lemel reported the Community Child Protection Team has made recommendations to close the gap on these issues. She also highlighted their work on getting the Family Connects program into our community to assist with the successful execution of services for new parents and families. While they are doing good work, she noted the County, just as so many other communities, struggles to serve those most in need. She commended the team for their work in this area.

The Board accepted the report as presented.

#### PROCLAMATION – NATIONAL DAY OF PRAYER

In 1988 both Houses of Congress adopted legislation declaring the first Thursday in May of each year as National Day of Prayer. Commissioners wish to proclaim May 7, 2020 as "A Day of Prayer in Transylvania County." This year's theme is "**Pray God's Glory Across the Earth.**" Commissioner Chappell read aloud the proclamation for the benefit of the public. Commissioners approved Proclamation #13-2020 National Day of Prayer 2020.

**PROCLAMATION # 13-2020**  
**National Day of Prayer**

**WHEREAS**, the 69th observance of the National Day of Prayer will be held on Thursday, May 7, 2020 with the theme “Pray God’s Glory Across the Earth” based on Habakkuk 2:14; and

**WHEREAS**, a National Day of Prayer has been part of our national heritage since it was declared by the First Continental Congress in 1775 and the United States Congress in 1952 approved as a Joint Resolution, “That the President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups and as individuals”; and

**WHEREAS**, the United States Congress, in 1988 by Public Law 100-307, as amended, establishes, “An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated”; and

**WHEREAS**, leaders and citizens of our communities, cities, states and nation are afforded the privilege of prayer with the joy of seeking divine guidance, strength, protection and comfort from Almighty God; and

**WHEREAS**, recognizing the love of God, we, citizens of Transylvania County, treasure the freedom to gather in prayer, exercising reliance on God’s power in the face of present challenges and threats, asking for His blessing on every individual of our County;

**NOW, THEREFORE**, the Board of Commissioners of Transylvania County does hereby proclaim, **May 7th, 2020**, as **A DAY OF PRAYER IN TRANSYLVANIA COUNTY** and we commend this observance to all our citizens.

This the 27<sup>th</sup> day of April, 2020.

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

**PROCLAMATION – NATIONAL PUBLIC SERVICE RECOGNITION WEEK**

Celebrated the first full week in May, Public Service Recognition Week is a time set aside to honor the men and women who serve our nation as federal, state, county and local government employees. For the past couple of years, Commissioners have recognized and honored employees by hosting an employee appreciation event. Due to the COVID-19 pandemic restrictions, staff will not be able to host a similar event this year. However, Human Resources and Administration staff are planning some alternate ways to recognize employees. More information will be forthcoming. Chairman Hawkins read aloud the proclamation for the benefit of the public. Commissioners approved Proclamation #15-2020 proclaiming the week of May 3-9 as National Public Service Recognition Week.

**PROCLAMATION #15-2020**  
**NATIONAL PUBLIC SERVICE RECOGNITION WEEK**

**WHEREAS**, Americans are served every single day by public servants at the city, county, state and federal levels, and these unsung heroes do the work that keeps our nation working; and

**WHEREAS**, Public employees take not only jobs, but responsibilities, passions and oaths; and

**WHEREAS**, many public servants, including military personnel, law enforcement officers, firefighters, healthcare professionals and others, risk their lives each day in service to the people of the United States and around the world; and

**WHEREAS**, Public servants include teachers, doctors and nurses, transportation employees, safety inspectors, laborers, computer technicians, social workers and countless other occupations. Day in and day out, they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

**WHEREAS**, without these public servants at every level, continuity and delivery of services would be impossible in a democracy that regularly changes its leaders and elected officials;

**THEREFORE, BE IT RESOLVED** by the Transylvania County Board of Commissioners to recognize the week of May 3-9, 2020 as National Public Service Recognition Week and to encourage citizens to recognize the accomplishments and contributions of government employees at all levels.

This the 27<sup>th</sup> day of April, 2020.

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

LETTER OF SUPPORT FOR CITY OF BREVARD'S BUILD GRANT APPLICATION

The City of Brevard is pursuing a grant through the Better Utilizing Investments to Leverage Development (BUILD) grant program. The City of Brevard is requesting approximately \$15,036,000 in funds to support four projects that are part of a larger group of surface transportation projects. The majority of the funds will be supported by NCDOT and are associated with the US Hwy 64 improvement project – the construction of roundabouts on Asheville Hwy at Deavor Rd and Pisgah Hwy, and the Pisgah Roadway expansion, Davidson River Pedestrian Bridge, and the Ecusta Trail development. The City of Brevard's share of the project cost is planned at approximately \$4,072,374, which is 8.72% of the total cost. These four projects are necessary to deliver the overall connectivity and community enhancements the City has desired and planned for some time. The application deadline is May 18. The grant program requires letters of support from community partners to accompany and strengthen the application. The application process is highly competitive.

Commissioner Chappell pointed out that the approval of the grant support letter does not indicate support for the Ecusta Trail project. The Board has not taken any action on whether to support the Ecusta Trail. They are free to do so in the future, but as of this date, they have not done so.

Commissioners approved the letter of support for the City of Brevard's BUILD grant application.

SCHEDULE PUBLIC HEARING: PROPOSED ISSUANCE OF REVENUE BONDS BY THE ARIZONA INDUSTRIAL DEVELOPMENT AUTHORITY FOR THE PURCHASE OF THE CEDAR MOUNTAIN HOUSE ASSISTED LIVING FACILITY BY THE URBAN HOUSING AND COMMUNITY SERVICES CORPORATION

Urban Housing & Community Service Corporation and its affiliates intend to finance the acquisition of the Cedar Mountain House Assisted Living Facility. An affiliate of the corporation currently manages the facility on behalf of the existing owner using tax qualified 501(c)(3) bonds issued by the Arizona Industrial Development Authority. The purpose of using bonds is to lower the financing costs for the borrower.

Federal laws require the local elected body that has jurisdiction of the area in which the facility is located and is to be financed with tax-exempt bonds to approve the issuance of the bonds. Prior to approval, a public hearing is required to gather public input on the bonds and the facility.

Commissioners scheduled the public hearing as requested for the May 11 Board of Commissioners' meeting. The borrower is responsible for advertising and paying for the public hearing notice.

#### APPROVAL FOR TRANSPORTATION TO APPLY FOR FY 2020 CARES GRANT

Transit providers have seen a drastic decrease in ridership and revenue as a result of social distancing, while incurring unplanned costs for health and safety due to COVID-19. On March 27, the CARES Act was signed into law and provides \$25 billion for transit. North Carolina is expected to receive a total of \$322,395,741 for transit systems.

CARES Act grants are available to rural and small urban public transportation systems to continue providing services and assist with operating expenses for items including staff, supplies, and other related operating expenses. To qualify for funding, applicants must be the Designated Recipient of Section 5311 or Section 5307 funding. Transylvania County Transportation is a recipient of Section 5311 funding and is therefore eligible.

The CARES Act Operating Funds Program Overview and Application was posted on NCDOT IMD's website on Friday, April 24, 2020 with a submission deadline of May 8, 2020. According to Transylvania County Transportation's Grants and Financial Management Procedures, Transportation would normally secure public input and Board approval in a timely manner due to the request for local matches required by most FTA and NCDOT grant programs.

Staff requested Commissioners waive the *Local Grants and Financial Management Procedure* requirements and approve Transylvania County Transportation to apply for FY 2020 CARES Funding by May 8, 2020 which requires no local match. The Board approved the recommendation as submitted.

### **CORONAVIRUS/COVID-19**

#### CORONAVIRUS/COVID-19 UPDATE – PUBLIC HEALTH

Health Director Elaine Russell provided an update on the Coronavirus/COVID-19 pandemic. She thanked the Board for their attention and dedication to this issue. This is a summary of her presentation:

##### *COVID-19 Briefing*

- An evolving pandemic
- Governor Cooper released Executive Order 135 on April 23, 2020 which included a 3-phase plan
- Divergence in approach of states to reopening

##### *CDC Expanded Symptoms*

- Fever
- Cough
- Shortness of breath or difficulty breathing
- Newly added:
  - Chills
  - Repeated shaking with chills
  - Muscle pain
  - Headache
  - Sore throat

- New loss of taste or smell

#### *COVID-19 Lab Confirmed Case Data*

- 2,992,970 cases globally in 185 out of 195 countries
- 967,585 cases in the United States
- 9,142 cases in North Carolina in 95 out of 100 counties
- 7 cases in Transylvania County

#### *Transylvania Data and Processes*

- Testing through State Public Health Lab, LabCorp and Mission Hospital
  - 143 negative
  - 7 positive
  - 2 pending
- Agency processes:
  - Daily EpiTeam
    - Planning
    - Data analysis
    - Communication strategies
  - County EOC Team
  - Long-Term Care Facility/Elder Care Facility Team
  - Hotline Team
  - Contact Tracing Team
  - Hospital communications

#### *Governor Cooper's Executive Order 135*

- Stay at Home Order extended to May 8, 2020
- Focus on testing, tracing, and trending
- 3 phases of easing restrictions
- The metrics of easing restrictions
  - COVID-like syndromic cases over 14 days
  - Lab-confirmed cases over 14 days
  - Positive tests as a percentage of total tests over 14 days
  - Hospitalizations over 14 days

#### *Phase 1*

- After 14 days of downward trends
  - Stay at Home Order remains in place; people can leave home for commercial activity
  - Those retailers and services will need to implement social distancing, cleaning and other protocols
  - Gatherings limited to no more than 10 people
  - Parks can open subject to gathering limits
  - Face coverings recommended in public
  - Restrictions remain in place for nursing homes and other congregate care living settings
  - Encourage continued teleworking

#### *Phase 2*

- At least 2-3 weeks after Phase 1
  - Lift Stay at Home Order with strong encouragement for vulnerable populations to continue staying at home

- Allow limited opening of restaurants, bars and other businesses that can follow strict safety protocols (reduced capacity)
- Allow gathering at houses of worship and entertainment venues at reduced capacity
- Increase in number of people allowed at gatherings
- Open public playgrounds
- Continue rigorous restrictions on nursing homes and congregant care settings

### *Phase 3*

- At least 4-6 weeks after Phase 2
  - Lessen restrictions for vulnerable populations with encouragement to continue practicing physical distancing
  - Allow increased capacity at restaurants, bars, other businesses, houses of worship and entertainment venues
  - Further increase the number of people allowed at gatherings
  - Continue rigorous restrictions on nursing homes and congregant care settings

### *The Balancing Act*

- Maintain social distancing
- Limit gatherings
- Infection control measures to continue
- Face coverings/masks
- High risk groups remain sequestered
- Rethink spacing in food service and retail
- Continue the use of technology for group functions/events
- Awareness and monitoring of symptoms through continued avenues of testing and the potential emergent role of antibody testing

### *The Path Ahead*

- Society will live with COVID-19 until a successful vaccine is brought to market
- As knowledge of the virus grows, the ability to plan and strategize will increase
- COVID-19 will change the way we interact
- Transylvania County is a determined and compassionate community
- Together we can navigate the changes

This concluded Ms. Russell's presentation. Chairman Hawkins called for comments and questions from Commissioners.

Commissioner Lemel asked about the additional counties that identified cases over the weekend. Ms. Russell reported that Graham, Swain and Perquimans Counties saw their first case numbers over the past weekend. The NCDHHS may assign Swain County's cases to the Eastern Band of Cherokee.

Commissioner Chappell was monitoring the comments from the livestreaming feed and reported a citizen asked if any of the County's cases were identified in a nursing home. Ms. Russell replied no. She explained citizens can find a deeper level of information about outbreaks in nursing homes and long-term care facilities on the NCDHHS data dashboard. The data will be updated weekly.

Commissioner Lemel asked how long the symptoms are lasting in lab-confirmed cases. Ms. Russell responded that most of our cases have reported six to seven days of symptoms. One case, however, had symptoms for nearly two weeks. All Transylvania County's cases have recovered.

Commissioner Guice stated that Transylvania County has done an exceptional job which can be attributed to the diligence of everyone in the community. Based on our low number of cases, how surrounding states are reopening and the three-phased reopening plan proposed by Governor Cooper, he felt it was time for this Board to have a discussion about how to move forward. He understood the County must be in compliance with executive orders, but he felt Transylvania County was ahead of the curve and should consider its own reopening plans.

Commissioner Cathey agreed with Commissioner Guice's comments.

Chairman Hawkins referred to the metrics the State is using for easing restrictions. Based on those metrics, he asked how Transylvania County would rate. Ms. Russell responded that Transylvania County ranked very well and would receive a good report; however, she cautioned there may be neighboring counties that are not being as conscientious and their bad conduct could bleed over and influence our good results.

Commissioner Guice feared that if the County did not start having the conversation about moving forward, local businesses and citizens will suffer as a result.

Chairman Hawkins stated that even with the reopening, the virus will remain a part of our lives until a vaccine is developed. One of the recommendations is for people to wear masks and he asked if the Board and staff should be wearing masks during Board meetings. Ms. Russell responded Commissioners Chambers allows for social distancing which everyone abides by. Masks and face coverings become more important when in a moving public environment, such as retail or a healthcare facility. With that said, in terms of solidarity in this community, we all need to embrace wearing masks. Everyone must have buy-in and do their part to combat this virus.

Chairman Hawkins thanked Ms. Russell and her staff for everything they are doing to serve the community.

#### CORONAVIRUS/COVID-19 UPDATE – COUNTY OPERATIONS

The Manager provided an update to Commissioners on County Operations' response to the COVID-19 pandemic. This is a summary of her presentation:

- Reopening strategies are currently being discussed; Governor's Office released a data-driven 3-phased plan last week
  - Phase 1 (following May 8 extension)
    - Modifies the Stay At Home Order to allow travel not currently defined as essential; allows people to leave home for commercial activity at any business that is allowed to be open, such as clothing stores, sporting goods stores, book shops, houseware stores and other retailers
    - Ensures that any open stores implement appropriate employee and consumer social distancing, enhanced hygiene and cleaning protocols, symptom screening of employees, accommodations for vulnerable workers, and provides education to employees and workers to combat misinformation
    - Continues to limit gatherings to no more than 10 people
    - Reopens parks that have been closed subject to the same gathering limitation; outdoor exercise will continue to be encouraged
    - Continues to recommend face coverings in public spaces when 6 feet of distancing is not possible
    - Encourages employers to continue teleworking policies

- Continues rigorous restrictions on nursing homes and other congregant care settings
    - Local emergency orders with more restrictive measures may remain in place
  - Phase 2 (at least 2-3 weeks after Phase 1; earliest estimate is June 1)
    - Lifts Stay at Home Order with strong encouragement for vulnerable populations to continue staying at home to remain safe
    - Allows limited opening of restaurants, bars, fitness centers, personal care services, and other businesses that can follow safety protocols, including the potential need to reduce capacity
    - Allows gathering at places such as houses of worship and entertainment venues at reduced capacity
    - Increases number of people allowed at gatherings
    - Opens public playgrounds
    - Continues rigorous restrictions on nursing homes and other congregant care settings
  - Phase 3 (at least 4-6 weeks after Phase 2; earliest possible estimate is July 1)
    - Lessens restrictions for vulnerable populations with encouragement to continue practicing physical distancing and minimizing exposure to settings where distancing is not possible
    - Allows increased capacity at restaurants, bars, other businesses, houses of worships, and entertainment venues
    - Further increases the number of people allowed at gatherings
    - Continues rigorous restrictions on nursing homes and other congregant care settings
- Much of the State plan implementation details are not known at this time, but would involve County government (Test-Trace-Trends)
  - Federal waiver allowing EBT for all children on free/reduced lunch program
- Testing availability for workforce of essential employees important as cases continue to be identified
  - Supply chain being addressed at federal/state level
- Tracing is a public health function
- County departments working to determine appropriate business practices upon reopening (temperature checks, markings for social distancing, masks, etc.)
- Response plans for increase of cases upon reopening and how to remain nimble
- Fiscal impact advocacy at state/federal level to protect the ability of the County to respond with lost revenue (sales tax)
- Identifying strategies for businesses to plan reopening protocols
- Collaboration with local nonprofits to connect basic needs; Library serving as the hub to call in for service connection

This completed the Manager's report on County Operations COVID-19 response. There were no comments or questions from Commissioners.

#### CORONAVIRUS/COVID-19 UPDATE – TRANSYLVANIA COUNTY SMALL BUSINESS SUPPORT

Transylvania Economic Alliance Executive Director Josh Hallingse presented this item to the Board. He reported that Chairman Hawkins and several other elected officials in the community asked for information on tools that other communities are exploring. Some communities have initiated grant or employee support initiatives through private fundraising. Other communities, such as Buncombe and Haywood Counties, as well as private entities (Golden Leaf Foundation), have implemented emergency

bridge loan programs. The bridge loan program is designed to help small businesses to access capital liquidity during an emergency.

The Golden Leaf Foundation program is a statewide fund of \$25 million for emergency loan access. They elected to use a Community Development Finance Institution (CDFI) in our region to administer the loans to small businesses in need of bridge financing while they wait on federal programs to become available. The loan program was exhausted fairly quickly due to the statewide need. The Golden Leaf Foundation is now seeking potential partnerships with State resources to increase their loan pool.

Local governments have also looked at exploring the development of a similar program, namely Buncombe and Haywood Counties. He reviewed some of the parameters of these programs as illustrated below:

	<b>Golden Leaf</b>	<b>Haywood</b>	<b>Buncombe</b>
Lender	Mtn. Biz Works \$25M + (legislation)	Mtn. Biz Works \$350k county	Mtn. Biz Works \$250k+municipal
Maximum Loan	\$50,000.00 <2 months 19' average monthly revenue	\$10,000.00	\$10,000.00
Eligibility	NC Small Biz. >1 employee Began operations before 3.23.20	For-profit 1-25 employees 12 months Physical location Demonstrate loss >25%	For-profit 1-49 employees 12 months Physical location Demonstrate loss >25%
Personal Guarantee	>20% ownership	>20% ownership	>20% ownership
Forgivable	No. Defaulted loans subject to collections.	No. Defaulted loans subject to collections.	No. Defaulted loans subject to collections.
Interest	6 no interest. 5.5% 48 months	6 months 4% (interest) 5.5% 36 months	4% initial 6 months. 5.5% 36 months
Term	6+48 months	6+36 months	6+36 months
Prepayment Penalty	None	None	None
Lender Fee	2% Origination, 1% Servicing	2% Origination, 1% Servicing	2% Origination, 1% Servicing
Assignment/Other	SBA loan, default rate	SBA loan, default rate	SBA loan, default rate

Contribution	Mtn. Biz Works \$25M + (legislation)	Mtn. Biz Works \$350k county	Mtn. Biz Works \$250k+municipal
Allowable uses	Some discretion but to sustain and pivot operations	Some discretion but to sustain and pivot operations	Some discretion but to sustain and pivot operations
Default rate	No data 25% hurricane disaster	No data 25% hurricane disaster	No data 25% hurricane disaster
Other collateral	Standard uniform commercial code (UCC)	Standard uniform commercial code (UCC)	Standard uniform commercial code (UCC)
Underwriting	No information for this specific loan program	No information for this specific loan program	<640 piece of collateral Consistent credit issues (declined) Outstanding collections (declined)
Number of loans	No information; initial \$25M has been depleted	90,000 (2 weeks) \$45,000 loaned per week	\$500,000 (3/27/20) \$125,000 loaned per week
Population	10.49M	62,317	261,191

Commissioner Guice wanted to understand more about the actual need in Transylvania County. He was concerned that some businesses might not be able to open fully for several months. This is the reason he wants to have the conversation about a reopening plan. He was unsure if a gap loan of \$10,000 would be enough to help businesses remain open in the coming months.

Chairman Hawkins stated that Buncombe and Haywood Counties and the Golden Leaf Foundation are trying to help businesses get through the next couple of months so that they can then access other forms of financial support. That is why the bridge loan amounts are relatively small. It is not intended to be long-term support, but it would be critical to some businesses now. Chairman Hawkins felt there is a time pressure because for the reopening plan many businesses will need working capital to rebuild their inventory. He stressed that the County is not in the lending business, but he felt this is an extraordinary situation and is worth trying to implement a thoughtful solution to help several businesses. This program is designed to help small businesses that are sometimes shut out of the types of financial support that can be accessed by large businesses. He felt Commissioners should allocate an amount of funds and then direct him to work with Mr. Hallingse to develop specific parameters.

Commissioner Lemel thought it was important that a qualifying factor is a demonstration of loss. Mr. Hallingse reported that each of the programs being managed by Mountain Biz Works includes the demonstration of at least 25% loss as a qualifying factor. Based on surveys conducted of local businesses, most have experienced dramatic loss.

Commissioner Guice commented that the challenge for him is understanding the need.

**Chairman Hawkins moved to allocate \$150,000 to a fund that is designed to provide a maximum \$10,000 bridge loan modeled after the Haywood and Buncombe County models, with interest rates and terms to be brought back to Commissioners for consideration, and further to task him or another Commissioner to work with Mr. Hallingse and other officials to work with Mountain Biz Works to develop a program that we can implement to begin providing these short-term bridge assistant loans to small businesses in the community. Small businesses should be defined as having 30 or fewer employees. The monies should come from the economic development fund reserves.**

Commissioner Cathey inquired about the impact of sales tax revenues thus far. The Manager reported that staff will not have that information until June. Staff suspects the loss will be significant and projects losses of \$2 million. Commissioner Guice asked if the loss is based on sales tax revenue lost from businesses being shut down or from the State keeping more sales tax funds. The Manager responded it includes the loss from business and nearly \$800,000 in Medicaid Hold Harmless that the State intends to keep. It does not anticipate any withholding of disbursements, although the delay in vehicle registrations due to the Tag Office being closed will also impact the County's revenue stream. **Commissioner Lemel seconded the motion.** Commissioner Chappell reminded Commissioners that the agenda item did not specifically call for action by the Board, although the Board can revise the agenda to do so. It was simply put on the agenda as a presentation. Commissioner Guice was uncertain if the amount was appropriate because he was unsure of the need. He also wanted to create an opportunity for participation by the City of Brevard and the private sector to increase the funding if it is determined there is a greater need. Chairman Hawkins was willing to reach out to others. He shared that Mountain Biz Works advised that the amount of \$150,000 was appropriate for a county of our size. He was comfortable with conducting further research and bringing back a recommendation at the next meeting. **Chairman Hawkins withdrew his motion.**

## PRESENTATIONS/RECOGNITIONS

### SEMI-ANNUAL UPDATE: SHERIFF'S OFFICE

Sheriff David Mahoney presented his office's six-month annual review. This is a summary of his presentation:

#### *Recruitment and Retention*

- Thanks in large part to last year's compensation study, we have seen our retention efforts stabilize and our recruitment efforts become more successful
- While many peer agencies still struggle to fill full-time openings, our agency is fully staffed with highly qualified, professional men and women
- Incentives have caused an increase in the number of our Sheriff's Office employees' seeking to further their education
- A stable workforce is critical to our success

#### *Detention Center Operations*

- Until COVID-19 outbreak, we were on track to exceed budgeted revenue for housing inmates from other counties and State Misdemeanant Confinement Program (SMCP)
- Mitigation efforts for COVID-19 included returning other counties' inmates during the declared state of emergency
- Confinements 1 Year Ago = 79
- Confinements 1 Month Ago = 56
- Confinements 1 Week ago = 47

#### *Domestic Violence Investigator*

- Commissioners approved a Domestic Violence Investigator position in FY 20

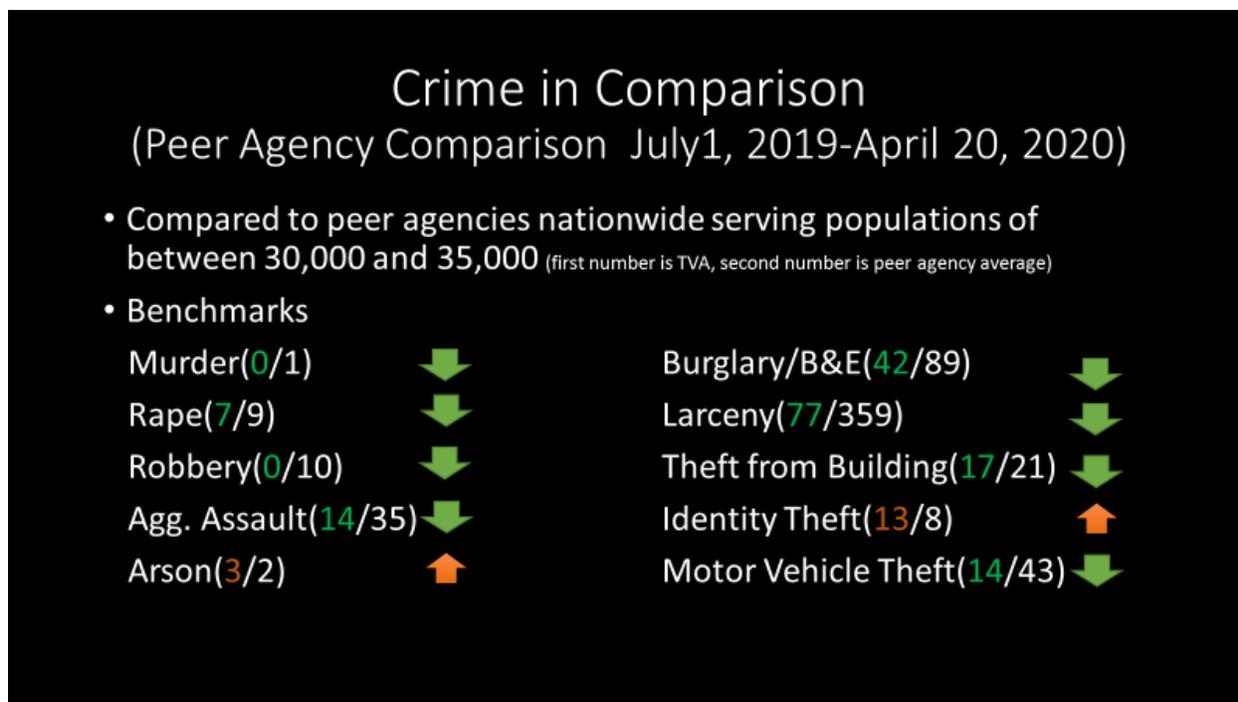
- That position is working hard with other community partners
- From July 1, 2018 to December 31, 2018, Sheriff's Office responded to 52 domestic violence calls and made 9 arrests
- From July 1, 2019 to December 31, 2019, Sheriff's Office responded to 48 domestic violence calls and made 23 arrests
- Roughly an 8% decrease in the number of domestic violence calls and a 155% increase in arrests

#### *COVID-19 Impacts on Our Operation*

- Increase in domestic violence and disturbance calls in past 30 days
- Reduction in the number of SMCP inmates and inmates being held from other counties
- Modification of in-person calls for service
- Aggressive steps to prevent COVID-19 from spreading to our Detention Center
- Creative ideas on PPE
- Responded to and investigated 7 complaints regarding local emergency orders on short-term rentals; no business found to be in violation, thus no citations issued
- Stay at Home Executive Order has an impact on the community - 11 domestic violence calls and 44 disturbance calls in past 30 days
- Incredible community support through homemade masks (including the first one being from our County Manager), donated hand sanitizer, and encouragement
- Escorted the Easter Bunny around the County to make sure everyone was behaving and social distancing

#### *Crime in Comparison (1<sup>st</sup> Quarter 2019 vs 1<sup>st</sup> Quarter 2020)*

- First quarter statistics indicate a 29% decrease in crime from the previous year
- 2019
  - Assaults – 44
  - Sex Offenses – 18
  - Arson – 1
  - Burglary/Breaking & Entering – 23
  - Larceny – 74
  - Fraud – 20
  - Drug Offenses – 255
- 2020
  - Assaults – 33
  - Sex Offenses – 6
  - Arson – 1
  - Burglary/Breaking & Entering – 18
  - Larceny – 41
  - Fraud – 17
  - Drug Offenses – 205
- New software allows Sheriff's Office to compare themselves to peer agencies across America based on FBI statistical entries
  - The number in color represents Transylvania County; the other number is the peer agency average
  - Transylvania County is below the average in crime in almost every category
    - Above average in arson and identity theft
  - Working with Communications to start geocoding calls for service with coordinate information for the purpose of generating heat maps to indicate where calls for service are coming from



Commissioner Lemel inquired about the data behind the drug offense numbers. She noted that although the number decreased from the previous year, the figure remains high. Sheriff Mahoney reported that illegal drug use is an epidemic that has transitioned over the years from one drug of choice to another. It is always ongoing and a constant battle. A local task force responds to drug offense calls on a daily basis.

Commissioner Guice hoped the data will help turn the focus on addressing addiction and those underlying issues that cause some people to enter the criminal justice system. He was impressed with how the data may be able to help the Sheriff's Office focus on certain areas.

Sheriff Mahoney reported the Detention Center is participating in two initiatives. One is a reentry initiative that will allow interested inmates to participate in a program that addresses substance abuse, finances, domestic violence, work barriers, etc. Based on a study completed by Brevard College students, about 74% of their inmates self-identified as having a mental health or substance abuse issue. This program is geared toward giving inmates the tools to make better decisions. The other initiative is a pilot program using a case manager in the Detention Center. The case manager completes an initial assessment and helps prepare a release plan for each inmate, to include referrals to appropriate agencies in the community. He hopes to have enough data next year to make the position permanent.

Commissioner Cathey asked what steps had been taken to protect deputies from fentanyl toxicity. Sheriff Mahoney shared that fentanyl is an incredibly dangerous and deadly drug. His office has changed evidence handling protocols and created a "safe room" for processing evidence. He has worked to ensure awareness around the issue as a best practice.

Commissioner Guice thanked Sheriff Mahoney for his leadership. He stated that the NC Sheriff's Association will be proud to have him serve as the future leader of their organization.

## APPOINTMENTS

### AGRICULTURAL ADVISORY BOARD

The terms of John Witherspoon, Devin Gentry and Jimmy Whitmire expire at the end of April. Only Devin Gentry is eligible for reappointment. In addition, Mary Ann Duvall resigned her position in early March. Staff recommended the reappointment of Devin Gentry. Staff will continue to recruit for the three positions, two of which will become vacant May 1.

**Commissioner Lemel moved to reappoint Devin Gentry to the Agricultural Advisory Board, seconded by Commissioner Cathey.** Commissioner Guice asked staff to consider asking those members coming off the board if they had an interest in serving a third term provided staff does not receive any applications. **The motion was unanimously approved.**

## OLD BUSINESS

### REVIEW OF RESOLUTION #10-2020 TO ENACT ADDITIONAL MEASURES TO THE MARCH 20 STATE OF EMERGENCY DECLARATION

The Manager presented this item for the Board's discussion. The Governor of North Carolina declared a state of emergency on March 10, and Transylvania County followed with its own declaration on March 20. On March 27, the Governor declared a Stay at Home Executive Order. To combat the spread of the virus, the Board enacted additional measures to its own state of emergency declaration through April 30, to include:

1. Cancelling or postponing all County meetings if they could not be conducted electronically.
2. Authorizing Commissioners and staff to attend Commission meetings via teleconference.
3. Restricting the public from attending meetings in person, with measures to allow for public input and participation.
4. Closing all lodging facilities, including campgrounds and direct-reservation facilities with rentals less than 15 days, with exceptions.

These measures expire April 30. The Board should discuss whether an extension is warranted.

**Commissioner Chappell moved to allow the measures to expire April 30, seconded by Commissioner Cathey.** Chairman Hawkins noted that the third measure is a restriction by the Governor's Executive Order and, thus, the Board has no control over it. Commissioner Guice asked Commissioners to also consider further discussion and consideration of the recent letter they sent to State and federal representatives encouraging the closure of forests and parks. He felt the Board should take a position on the matter as a Board. Commissioner Lemel reported that the State is looking at counties for input as they consider reopening. The US Forest has already declared closures until August 13. For this particular action, she wanted to ensure that allowing the measures to expire does not violate the Governor's Executive Order. Given that the Stay at Home Order is in effect until May 8, she wanted staff to continue providing the conference call-in number for citizens to listen to the Board's meetings. She felt it was appropriate for the Board to keep measures in place to allow for maximum participation. Commissioners were in agreement. **The motion was approved unanimously.**

## NEW BUSINESS

### TEMPORARY CAPITAL AND HIRING POLICY CHANGES

The Manager proposed two measures for the Board's consideration. At the previous meeting, staff presented information regarding their concerns over this year's budget due to revenue losses and the

impact on next year's budget. These measures will serve as tools to help manage revenues in an uncertain future.

### *Capital Projects*

Staff has reviewed the status of FY 2020 budgeted capital improvement projects and recommended a temporary freeze on projects that have not been awarded to date. Staff will approach each capital project individually and obtain further guidance from the Board of Commissioners prior to moving forward. She reviewed the ongoing capital projects that were slated in the budget:

- Community Services HVAC replacement projects budgeted at \$450,000 minus design and engineering fees of \$11,875
  - Phase 1 - Inspections and Permitting is complete; project cost \$36,161; roof unit
  - Phase 2 - DSS Administration area has been awarded; project cost \$26,777; roof unit
  - Phase 3 - Planning and Transportation; not bid; roof unit
  - Phase 4 - Attorney office area; not bid; roof unit
  - Phase 5 - rear area of Environmental Health; not bid; roof unit
  - Phase 6 - Health Department Administration; not bid
  - Phase 7 - Information Technology; not bid
  - Phase 8 - front area of Environmental Health/Public Health conference area; not bid; duct work only
- Community Services Building, single story area/conference room and Cooperative Extension; budgeted at \$143,000
  - Roof replacement; engineering and asbestos test awarded; \$7,500.00; hold on bidding
- Recreation Pickleball Courts budgeted at \$72,700
  - Awarded; expected completion late May; concrete has been poured; awaiting application of court material, striping and fencing
- Recreation Center showers budgeted at \$127,500
  - Project completed
- Ninja/Fitness Course at Recreation Center budgeted at \$214,930, with \$139,704 being the County's portion
  - Awaiting minimum site preparation, engineering design and cost estimate
  - Need for additional funds to address storm water issues; staff will present to Board of Commissioners for consideration at a future date
- Silvermont trails/storm water project budgeted at \$66,000
  - Engineering awarded, awaiting final storm water control design and revised project estimate
- Silvermont external restroom remodel budgeted at \$40,000
  - Not awarded
- Recreation Center kitchen remodel budgeted at \$15,000
  - Not awarded
  - Quotes were significantly higher than budgeted funds
  - Staff intends to complete in-house
- Public Safety Facility electrical system upgrade budgeted at \$136,820
  - Awarded and near completion
- Public Safety Facility security system for Detention Center budgeted at \$91,000
  - Awarded and scheduled for completion week of May 11
- 911 Communications Radio Simulcast System budgeted at \$1,117,250
  - Awarded with 90% of equipment installed
  - Awaiting FCC for frequency assignment and completion
- Child Development parking and other County lot repairs budgeted at \$88,309

- Not awarded: quotes received
- Solid Waste/Woodruff Landfill road repairs budgeted at \$149,372
  - Not awarded: quotes received on entrance from Old Toxaway Road
- Solid Waste Convenience Site wall repairs at Connestee and Woodruff budgeted at \$50,000 each
  - Connestee site awarded and completed
  - Woodruff site being reviewed by engineer; not yet awarded

The Manager stated the delayed financial impact on the freeze of these capital projects would be approximately \$712,000 for general fund projects and \$199,372 for Solid Waste. Delaying the projects does not mean there is no need, but the action allows staff the ability to evaluate revenues and gauge the impact of the loss. As revenues return, the projects can be considered at a later time.

#### *Personnel Hiring Freeze*

In prior economic downturns, the County has implemented various forms of hiring freezes. County services are critical and essential functions in a pandemic, and staff will need to continue to hire for essential positions. For this reason, the proposal includes a temporary freeze on hiring that requires any open positions to be reviewed by Human Resources and Administration before posting and seeking applications through September 2020.

Commissioner Guice asked how many positions would be impacted by the hiring freeze and whether those positions were critical positions. The Manager reported there are no current vacancies that would qualify as nonessential. If vacancies occur, the recommendation would ensure there are measures in place for a thorough review prior to posting for the position.

Commissioner Guice asked if the part-time positions would be impacted. The Manager reported that some part-time staffs have been sent home if their positions were nonessential. In our organization, part-time is mostly utilized in shift positions with EMS and the Sheriff's Office. Staff does not intend to hamstring the County's ability to provide services. They want to be thoughtful in their actions due to the current pandemic situation and its impact on revenues.

Commissioner Guice did not think it was wise to make any repairs to the Child Development parking lot until the future of that site has been determined. The Manager stated this issue has been part of the discussion, but the project involves only applying a 2" topping of pavement. She confirmed that no major work would occur on that site without approval from the Board.

Commissioner Lemel felt the recommendation was very prudent given the unknowns with the revenues for both FY 20 and 21.

**Commissioner Lemel moved to authorize a temporary freeze on FY 2020 and FY 2021 non-awarded capital projects for review and approval by the Board of Commissioners through September 2020, seconded by Commissioner Guice and unanimously approved.**

**Commissioner Lemel moved to authorize a temporary hiring freeze requiring all positions to be reviewed by Human Resources and Administration to determine that refilling is immediately essential prior to posting for applications, through September 2020, seconded by Commissioner Guice and unanimously approved.**

Commissioner Guice asked for discussion regarding the reopening of parks and forests. Since the Board took previous action to send a letter to our State and federal representatives encouraging them to close the parks and forests, he felt it was appropriate to give further input. Commissioner Lemel said she has been participating in calls with State leaders due to her role as a summer camp owner. From their perspective,

the challenge is in crowd navigation. Commissioner Guice commented that other states are experiencing the same challenges but they are opening nonetheless. He was concerned about sending mixed signals to the public. Chairman Hawkins asked staff to contact our State and federal representatives prior to the next meeting to determine what kind of input they are seeking from counties. Commissioner Chappell felt this action was appropriate since the first phase of the Governor's Order expires May 8.

### MANAGER'S REPORT

The Manager reported the following:

- Tune in to PBS on Thursday, April 30 at 8 p.m. to see the NC Impact coverage of the early childhood work of GetSet Transylvania
- Transylvania County is partnering with local nonprofits to connect citizens to basic-need services. Now through May 15, citizens can call 884-3151 X4, Monday- Saturday from 10 a.m.- 5 p.m. Library staff will take a caller's contact information and request and forward to local nonprofits to help match needs
- Census 2020 has been extended to October, but NC remains 38<sup>th</sup> in responsiveness with WNC ranking low for the state; remind your friends and relatives to respond to the census using the online tools
- Revised FY 21 Budget schedule
  - Departmental budget meetings wrapping up this week
  - Commissioner briefings in next two weeks
  - Target recommended budget presentation on May 26 to allow time for workshops, public hearing and adoption by July 1
  - Possible discussion at State level to allow some grace on State-driven deadlines

Commissioner Lemel stressed how important it is for citizens to complete their census. Transylvania County was undercounted in the last census by nearly 25% which means over the last 10 years Transylvania County lost out on a potential \$14 million in additional federal tax dollars that could have been used to provide programs and services.

Commissioner Guice said he was interested in finding out if there has been an update from the federal or State government regarding the financial front. The Manager reported a conference call with the NCACC last Tuesday indicated there had been some budget discussions at the federal level regarding revenue loss by state and local governments. The President has indicated a desire to continue discussions and acknowledged the challenges facing local government. The Manager stated that staff remains optimistic, but they continue to express the need to assist with the challenges such as providing public health, public safety and human services functions. These functions are not only an extension of the State, but they are critical during a pandemic. Staff will continue to advocate for financial assistance.

### **PUBLIC COMMENT**

There were no comments from the public.

### **COMMISSIONERS' COMMENTS**

Commissioner Cathey noted there has been approval of rapid result COVID-19 tests.

Chairman Hawkins reinforced the importance of the public health component during the discussion of reopening. He felt future discussions by the Board should be mindful of understanding that data points do not reflect trends. Based on information he has seen, COVID is not going away and, until there is a

vaccine, people's lives are going to be different. Plans for reopening must reflect those realities and be within the constraints from executive orders.

**Chairman Hawkins moved to enter into closed session per NC 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 NC 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 five minute recess, seconded by Commissioner Lemel and unanimously carried.**

#### CLOSED SESSION

Per NC 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, closed session was entered into at 8:35 p.m. Present were Chairman Hawkins, Commissioners Cathey, Chappell, Guice, and Lemel, County Manager Jaime Laughter, Planning and Community Development Director Jason Stewart, and Clerk to the Board Trisha Hogan. The County participated via conference call.

Commissioners consulted with the County Attorney via conference call on a privileged matter

Per NC 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, the second closed session was entered into Present were Chairman Hawkins, Commissioners Cathey, Chappell, Guice, and Lemel, County Manager Jaime Laughter and Clerk to the Board Trisha Hogan.

The Manager updated the Board of Commissioners on negotiating efforts for the potential purchase of real property. The Board of Commissioners directed staff on how to proceed.

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

#### OPEN SESSION

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

#### ADJOURNMENT

There being no further business to come before the Board, **Chairman Hawkins moved to adjourn the meeting at 8:50 p.m., seconded by Commissioner Guice and unanimously approved.**

ATTEST:

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

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Trisha M. Hogan, Clerk to the Board