

**MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
September 19, 2017 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met on Tuesday, September 19, 2017 at 9:00 a.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC. The meeting was rescheduled from Tuesday, September 12, 2017 due to the remnants of Hurricane Irma.

Commissioners present were Chairman Larry Chapman, Jason Chappell, Mike Hawkins, and Vice-Chairwoman Page Lemel. Commissioner Kelvin Phillips was absent due to illness. Also present were County Manager Jaime Laughter, County Attorney Misti Bass, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Derek McKissock

There were approximately 35 people in the audience.

CALL TO ORDER

Chairman Larry Chapman presiding declared a quorum was present and called the meeting to order at 9:02 a.m.

WELCOME

Chairman Chapman welcomed everyone to the meeting and thanked the members of the audience for participating in their local government. He introduced Commissioners and staff in attendance.

PUBLIC COMMENT

There were no comments from the public.

AGENDA MODIFICATIONS

There were no agenda modifications from Commissioners or staff.

Commissioner Lemel moved to approve the agenda as submitted, seconded by Commissioner Chappell and unanimously approved.

CONSENT AGENDA

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

The following items were approved:

MINUTES

The Board of Commissioners met in regular session on Tuesday, August 8, 2017. The second meeting in August was cancelled. The minutes of the August 8, 2017 regular meeting were approved as submitted.

DISCOVERY, RELEASE & MONTHLY SETTLEMENT REPORT – JULY 2017

Each month the Tax Administrator has a listing of proposed releases for that month. The Board of Commissioners has the responsibility of approving the releases. Total tax dollars released was \$6,836.40.

Refunds totaled \$1,411.23. Commissioners approved the Discovery, Release and Monthly Settlement Report for the period July 1-31, 2017.

PROCLAMATION – CONSTITUTION WEEK

September 17, 2017 begins the national celebration of Constitution Week and a weeklong commemoration of America's most important document. A resolution petitioning Congress to set aside September 17-23 annually to be dedicated to the observance of Constitution Week (submitted by the Daughters of the American Revolution) was signed into Public Law #915 on August 12, 1956 by President Dwight D. Eisenhower.

The aims of the celebration are to (1) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; (2) inform people that the Constitution is the basis for America's great heritage and the foundation for our ways of life; and (3) encourage the study of the historical events which led to the framing of the Constitution in September 1787.

Chairman Chapman read aloud the proclamation for the benefit of the public. Commissioners approved Proclamation 26-2017 Proclaiming Constitution Week which is hereby incorporated by reference and made a part of these minutes.

JUVENILE CRIME PREVENTION COUNCIL – REVISIONS TO BYLAWS

The Juvenile Crime Prevention Council recently approved revisions to its Bylaws. The revisions are minor in nature and mostly involve language changes and procedural clarifications. Commissioners approved the revised Bylaws of the Juvenile Crime Prevention Council as submitted.

BLUE RIDGE COMMUNITY COLLEGE RESERVE FUND REQUEST

Blue Ridge Community College (BRCC) was allocated increased state funding for an additional career coach position. The position resides within the NCWorks Career Coach Program and its purpose is to assist high school students with determining career goals and identifying community college programs that would enable students to achieve these goals.

The funds were unexpected; however, to prevent State funds from being left on the table, BRCC is requesting to use their County funds held in their reserves to provide the required local matching dollars. BRCC is requesting agreement from the Commissioners to use \$25,000 from the Transylvania County designated reserve funds. State statutes indicate that county funds are to be used for capital and building operations, unless budgeted for other purposes. However, the funds being requested at this time were not included in the BRCC original budget request because they were unaware they would be receiving these additional State funds. BRCC was just notified of the funding award in August.

As always with items concerning Blue Ridge Community College, Commissioner Chappell disclosed that he is an employee there, but his vote on this matter is not a conflict of interest. Commissioners authorized Blue Ridge Community College to use funds from their Transylvania County Campus reserve funds in order to provide the required matching dollars for a career coach position.

PRESENTATIONS/RECOGNITIONS

TRANSYLVANIA ANIMAL TRANSPORT SIX MONTH PROGRESS REPORT

Animal Services Director Elma Rae Greene presented this item as an update on the department's animal transport program. The local spay neuter clinic closed in December 2016 leaving citizens without a low cost option for spaying/neutering their pets. The Animal Control Ordinance mandates that all dogs and cats that leave the shelter must be spayed/neutered. In response to the lack of a necessary public service in controlling animals, Animal Services requested and obtained approval for a program to transport publicly and privately owned animals to the low cost spay neuter clinic in Asheville.

Animal Services continues to work with the Friends of Transylvania Animals. The group subsidizes spay neuter fees by providing vouchers to the general citizenry. In addition, Ms. Greene was able to negotiate costs with the clinic in Asheville, so the cost across the board is much more affordable. Animal Services travels once per week to the clinic with the help of a staff person and a dedicated volunteer. As of September 11, nearly 350 shelter and privately owned animals have been spayed or neutered and the department has collected approximately \$1,200 in fees to help support the program. Ms. Greene feels the program has been a success so far and it is her desire for the program to continue. She thanked the Board for their approval of the program.

In response to questions from Chairman Chapman, Ms. Greene reported that the department has been managing the animal shelter population well. She expects the numbers to decrease from the summer months. The adoption rate remains at near 70%. Ms. Greene stated the department is fortunate to have a great volunteer base. There was no further discussion and this concluded the presentation.

APPOINTMENTS

TRANSYLVANIA COUNTY COUNCIL ON AGING

The terms of Tara Rybka (Health Department), Geraldine Hambley (Senior Citizen), Linda Fluck (TRH Home Care), Carroll Parker (Affordable Housing) and Elaine Deppe (Member-at-Large) expired at the end of August. These appointees fill very specific roles. All but Geraldine Hambley have expressed an interest in continuing to serve in their roles.

Jonathan Griffin serves representing Transportation in his interim role. April Alm took over these duties in early September and should replace him on this council.

There are four vacancies representing the following: Long Term Care Facility, Minority-Low Income, and Senior Citizen (2). Through several advertisements, the Clerk received two applications for the Senior Citizen positions.

Commissioner Lemel moved to reappoint Tara Rybka, Linda Fluck, Carroll Parker and Elaine Deppe, to appoint April Alm to replace Jonathan Griffin as the Transportation Coordinator and to appoint Betty Rogge and Betsy Smith to fill the two Senior Citizen positions on the Transylvania County Council on Aging, seconded by Commissioner Hawkins and unanimously approved.

AGRICULTURAL ADVISORY BOARD

There is one vacancy on the Agricultural Advisory Board. The applicant must represent the farming community. Through advertisements and other recruitment efforts, the Clerk received one application from Devin Gentry. He is qualified to fill this position. Mr. Gentry is a beekeeper and is actively involved in education through the Transylvania Bee Club and Cradle of Forestry, per County Extension Director Bart Renner.

Commissioner Lemel moved to appoint Devin Gentry to fill the farming vacancy on the Agricultural Advisory Board, seconded by Commissioner Chappell and unanimously approved.

NEW BUSINESS

LITTLE RIVER FIRE DEPARTMENT APPARATUS ACQUISITION

Assistant County Manager David McNeill presented this item on behalf of Little River Fire Department. Little River Fire Department is requesting approval of a resolution allowing them to obtain a tax-exempt loan for the acquisition of an apparatus and other equipment. The department intends to acquire an engine and a tanker for the provision of fire protection services as outlined in its contract for these

services with Transylvania County. The loan will not increase the department's annual budget request. Approval by the Board of Commissioners does not obligate the County for repayment of the loan.

Commissioner Lemel moved to approve the request for the tax exempt loan documentation from the Little River Fire Department, seconded by Commissioner Hawkins and unanimously approved.

REQUEST FOR USE OF FORMER ELECTIONS BUILDING AS TRANSYLVANIA COUNTY FAMILY RESOURCE CENTER

The Manager presented this item. She reported that the Domestic Violence Task Force formed in June 2016 and included representation from the Transylvania County Sheriff's Office, Brevard Police Department, District Attorney's Office, district judges, Probation Office, SAFE, Inc., Department of Social Services, Health Department, Transylvania County Schools, The Family Place, mental health agencies, Transylvania Regional Hospital, The Children's Center, Blue Ridge Community Health, and Pisgah Legal Services, as well as concerned citizens and County Commissioner Page Lemel.

The Task Force has been successful in securing three grants. One will fund a domestic violence investigator at the Sheriff's Office. SAFE will receive two grants with one funding the ongoing work of the collaborative and one funding a victim navigator position. According to District Attorney Greg Newman, his office has not yet been notified about the grant to fund a domestic violence district attorney position, but he remains committed to these cases with existing staffing should the grant fail to be awarded.

The Task Force has recently renamed the collaborative model they are working within "The Transylvania County Family Resource Center" and would like to request use of the old Elections Building under the following terms:

- The County provides the building rent free;
- The County retains responsibility for the maintenance of the building;
- The County would allow use of the furnishings within the building;
- SAFE would pay monthly utilities; and
- Each community partner would pay for their own cell phones, office supplies, computers and staff working from the building.

After consulting with the County Maintenance department about this proposal, they offered the following assessment:

- The HVAC is currently in good repair, but it is an older unit and it is uncertain how long it will remain operational;
- The interior of the building should be painted prior to being occupied by another agency; and
- The chimney badly needs repair; recommendation would be to take it down, expected cost would be approximately \$1,000 (quotes have not been obtained).

Staff identified that the furniture in the building, except for three sets of metal shelves, has been declared surplus and could be loaned to the collaborative if desired.

One issue that will need to be considered is liability insurance. A good portion of the services intended to be provided (Sheriff's Office, District Attorney's Office, Social Services or Health Department) are those that are part of the County already, but some are not. The County will need to confirm the insurance coverage for this type of project. Each entity with staff working at the facility will need to be covered under their employer's worker's compensation coverage, at minimum.

The Manager pointed out that other requests were made earlier this year for the use of the former Elections Building by the Soil and Water Conservation District office and the Friends of the Library.

The Manager asked the Board to consider the request to house the Transylvania County Family Resource Center in the former Board of Elections building and allocate funds from contingency to make repairs and prepare the building for occupancy should they decide to approve the request. Several members of the Task Force were in attendance in support of this request.

Chairman Chapman recognized the members of the Task Force in attendance and invited them to offer input. SAFE, Inc. Executive Director Salley Stepp thanked the Board for considering this request. Ms. Stepp reported that the collaborative began a year ago because of the realization that domestic violence is an issue in Transylvania County and it will not stop until there is a commitment to doing something about it. Brevard Police Chief and current Chair of SAFE's Board of Directors Phil Harris reported that SAFE uses a model in approaching domestic violence that he believes will have a long term effect on changing the nature of domestic violence in this community and one that will serve as an example for other counties and agencies. This approach allows professionals to care for victims in a way that preserves their dignity and keeps them safe and will hopefully encourage other victims who might not have come forward to do so.

Commissioner Hawkins moved to allocate the necessary funding from contingency to make the repairs and get the building ready for occupancy. The motion was seconded by Commissioner Lemel. Commissioner Hawkins inquired about next steps. The Manager responded that because this is not a request from an incorporated entity wanting a singular use for the property a memorandum of understanding would be more appropriate than a lease agreement. She asked for the Board's discussion to include what they would like to incorporate into an MOU which would be reviewed by the Task Force to ensure compliance. Commissioner Lemel read an excerpt from an email sent to Commissioners from Sheriff David Mahoney that further explains the proposal from the Task Force which he sent following a tour of the Buncombe County Family Justice Center:

As I listened during the tour, I learned some very interesting facts. In the first 3 days, a survivor (of domestic violence) fills out as many as 50 different forms, travels up to 8 times to various support agencies, makes 5 telephone calls regarding their incident, talks to 21 different people, waited up to 12 times for someone to talk to, and received up to 30 referrals. Those numbers are staggering. As a public safety professional, I can't help but think that we can do better for our most vulnerable citizens. That is one of the reasons that I have applied for a grant from the Governor's Crime Commission for a dedicated domestic violence and sexual assault investigator position. If approved, my office will have a dedicated staff member to help these victims at a crucial time. However, we are still one of those places traveled, we still account for several of those forms filled out, we are still part of the wait and are still some of the people the victim talks to. We receive and make referrals.

By now, you are probably wondering where I am going with this. As I travelled back from Asheville today, I began to think, how can we better serve those victims? How can we provide the much needed support to them without requiring them to travel all over the place to various agencies? Understanding that with each visit, they are growing a little more tired of the process. I began to think, could we pull off something like that? I thought of the former election building. What a wonderful location! It is not an intimidating "government building". It is welcoming and has sufficient space to accommodate those services under one roof. It truly brings the one team concept for our victims to reality. I am reminded of the first paragraph of the Law Enforcement Officer's Code of Ethics which says one of my fundamental duties is to protect the weak against oppression and intimidation, and the peaceful against violence or disorder. My commitment to you is to do just that.

Commissioner Lemel echoed Sheriff Mahoney's comments, stating the idea is to provide a homelike setting where services can be brought to the victim in a single location. Victims will therefore not have to

navigate this process on their own or unsupported. She reported that Buncombe County invested over \$8 million in its Family Justice Center after their county experienced eight domestic violence related deaths in one year. In the same year, Transylvania County experienced four domestic violence related deaths. Buncombe County is nearly nine times the size of Transylvania County, so this figure is appalling for a community of our size and therefore spurred the conversation about establishing a similar facility. Commissioner Lemel reported that very few domestic violence cases make it to trial because many victims are not willing to testify against their abusers. The Sheriff's Office indicated in all but five of 105 domestic violence cases referred to the District Attorney's office in a single year the victims backed out of testifying. The District Attorney is very active in this collaborative and he supports seeing more of these cases through to prosecution. Commissioner Chappell said he has heard about this model and how it has been successful in other places. Acknowledging how domestic violence is a truly life changing experience, he expressed support for the model and felt an obligation to have a facility to help victims navigate through the process. Commissioner Hawkins asked for clarification that what is being asked from Commissioners is technical in terms of what should be included in an MOU. The Manager confirmed. She asked the Board to consider the terms that were presented at this meeting and any other terms they feel should be addressed. Commissioner Chappell requested that the Soil and Water Conservation District be allowed to use the storage building onsite. They have made this request several times in the past. There was no objection. Chairman Chapman suggested as next steps that the Manager develop a draft MOU and then circulate to the Board for review and input. Then the Board can consider it for approval at a meeting in the near future. He requested the MOU include a clause that states at the end of the year a review will be conducted to gauge the success of the program, associated costs, condition of the building, etc. Commissioner Hawkins inquired about a timeframe for moving forward. The Manager pointed out the grant funding will not be available until October. The collaborative would like to occupy the building in October or November, so Maintenance will need to get moving quickly on the necessary repairs. The Manager intends to have a draft MOU ready for approval at the second meeting in October. **Commissioner Hawkins moved to amend the main motion to include instructing staff to develop the MOU. Commissioner Lemel seconded the amendment. The amendment was approved unanimously. The main motion was unanimously approved.**

RECOMMENDED PROJECT SUBMISSIONS FOR NCDOT FUNDING

To be considered for road construction funding from the NC Department of Transportation (NC DOT), projects must be submitted into the State Transportation Improvement Program (STIP). NC DOT then prioritizes the submitted projects from across the State using data related to safety, congestion, benefit/cost, accessibility/connectivity, and input from the local NC DOT Division and the local Rural Planning Organization (RPO). Prior to assigning points for local preferences, NC DOT Division 14 and the RPO are seeking recommendations from Transylvania County. At their meeting on August 1, 2017, the Transylvania County Transportation Advisory Committee considered this data and recommended a prioritization of potential projects for Transylvania County.

County Planner Joy Fields was in attendance to answer questions regarding the prioritization list of projects. Staff requested Commissioners approve the recommendation from the Transportation Advisory Committee and forward their response to the NC DOT and RPO as part of the STIP 5.0 prioritization process that is due by September 29, 2017.

Commissioner Lemel moved to approve the recommendation from the Transylvania County Transportation Advisory Committee and forward their response to the NC DOT and the RPO as part of the STIP 5.0 prioritization process. The motion was seconded by Commissioner Chappell. Commissioner Lemel commended the TAC on a fantastic list of projects for submittal. Chairman Chapman requested further detail about how these projects become approved for funding. Vicki Eastland with the Land of Sky RPO was in attendance. She explained the process is completed in steps:

1. Submittals are due to the NC DOT by September 29
2. NC DOT ranks and scores all projects submitted from across the State

3. RPO to have results of how projects ranked and scored by April 1, 2018
4. Local prioritization process begins; work with communities, along with NC DOT, and gather local input to better changes for funding; 90-day time period to assign local points
5. In fall of 2018, will receive final ranking of NC and US highways
6. In December 2018, will receive final ranking of local roads

She noted that the STIP is updated every two years. Commissioner Hawkins stated that a recent presentation by Ms. Eastland to the TAC revealed that 2021 is going to be a busy year in Transylvania County for road construction projects. Ms. Eastland reported that in the last round of prioritization, the RPO was able to secure funding for improvements to the Pisgah Forest intersection at US64 and NC280, Wilson Road modernization from Ecusta Road to US276, and US64 access management from Fortune Cove Road to Caldwell Street. The City of Brevard secured funding for a bicycle and pedestrian bridge crossing the Davidson River near the Pisgah Forest intersection. After the initial round of funding Ms. Eastland worked with the NC DOT and City and County staff on additional submittals calling for improvements to US276 from the Pisgah National Forest intersection to Avery's Creek to include widening, turn lanes and bike lanes, which will be funded through a federal program called Federal Lands Access. There was no further discussion and **the motion was unanimously approved.**

Commissioner Chappell thanked the members of the TAC for their hard work and commitment. He acknowledged this process can be confusing and he was appreciative of their work advocating for transportation improvements.

MINI-BROOKS ACT EXEMPTION

The Manager presented this item. In North Carolina, the procurement of professional services performed by architects, engineers, surveyors, and construction managers at risk is governed by NCGS 143-64.31, sometimes referred to as the "Mini-Brooks Act."

NCGS 143-64.32 authorizes a unit of local government to exempt itself from the Mini-Brooks Act, which means that it will not be required to use the Qualification Based Selection (QBS) process and may select an architect, engineer, surveyor, or alternative construction delivery method firm by whatever method it chooses. The statute requires the exemption be in writing and the estimated professional fee is less than \$50,000.

Commissioner Lemel moved to authorize Jaime Laughter, County Manager to grant exemptions in writing for projects subject to the Mini-Brooks Act when an estimated professional fee is less than \$50,000, seconded by Commissioner Hawkins and unanimously approved.

TOBACCO USE SETBACK FOR HEALTH DEPARTMENT PER ACCREDITATION

Health Director Elaine Russell presented this item. The Health Department is working on its accreditation packet that is due to the State by November 1. The State will conduct a site visit in March. This request is related to Accreditation Activity 30.10 which states, "the local health department shall make efforts to prohibit the use of tobacco in all areas and grounds within fifty (50) feet of the health department facility".

The 50 ft. perimeter is considered the gold-star standard by the North Carolina Division of Public Health Tobacco Prevention and Control Branch and is specifically cited in the accreditation standard. The authority for this local rule of ordinance is contained in NCGS 130A-492. In 2009, Commissioners established a 15 ft. no-smoking perimeter for the Community Services Building where the Health Department is located. Given the physical location of the Community Services Building at the corner of Morgan and Gaston Streets, Mr. Russell stated that meeting the 50 ft. recommendation would prove very complicated.

The Board of Health is requesting the Board of Commissioners approve an extension to the no-smoking perimeter of the Community Services Building from 15 ft. to 50 ft. to align with accreditation standards. With that said, there is an understanding that the request is essentially impossible given the physical location of the building. However, this revision helps the Health Department move forward with its accreditation process and continues dialogue related to tobacco use in the community.

Commissioner Lemel moved to approve the extension of the no-smoking perimeter of the Community Services Building from 15 ft to 50 ft to align with accreditation standards. The motion was seconded by Commissioner Hawkins. Commissioner Hawkins asked Ms. Russell to explain the complications with meeting the recommendation. Ms. Russell stated there is no issue with extending the 50 ft perimeter around most of the building. The problem occurs at the corner of Morgan and Gaston Streets. The 50 ft extends onto First Baptist Church property. After some discussion, **Commissioner Lemel moved to amend the motion to read “where this is possible within County ownership of real property”.** **The amendment was seconded by Commissioner Hawkins.** Commissioner Chappell inquired about the practicality of enforcing the perimeter, particularly being there are multiple agencies located within the building and they share a common parking lot. He noted that Blue Ridge Community College is a smoke-free campus, but people are allowed to smoke in their vehicles. The Manager stated that the County’s Smoking Ordinance gives Administration the authority to determine if a violation has occurred and issue a penalty; however, there have been no issues thus far when people have been asked to comply with the no-smoking perimeter, otherwise there could be a trespass situation. Staff has been successful in handling issues related to most County ordinances without having to pursue civil penalties. Commissioner Chappell requested, while understanding the risks associated with smoking, there to be consideration given to people making the personal choice to smoke in their vehicles. Commissioner Hawkins pointed out the reason for this request is to meet accreditation standards and he asked if the amendment to the motion helps the Health Department to achieve this goal. Ms. Russell said it is documented that a discussion has been had by both the Board of Health and Board of Commissioners about meeting this standard. In a larger sense, the Health Department is engaging in conversation about the health of the community which is an entrée into promoting smoking cessation and providing resources to the community and employees. Commissioner Chappell expressed concern about there being different rules in place for different buildings and he requested a future review of this practice. Ms. Russell offered the Health Department’s future input on developing a universal policy for County facilities. The Manager pointed out the current Smoking Ordinance allows Commissioners to develop policies as they see fit. She suggested revisiting the ordinance in the future to determine if any changes are appropriate. **The amended motion was approved unanimously. The main motion was approved unanimously.**

MODIFICATION OF HEMLOCK RESTORATIVE INITIATIVE COST SHARE PROGRAM

County Extension Director Bart Renner presented this item. He gave brief background on how the program came to be and said he intends to provide a thorough update on the program at the end of the fall season.

Currently, landowners are being reimbursed at \$1 per inch of hemlock they have treated by one of the program’s approved contractors. Since this system of reimbursement does not fix contractor prices it has been working very well for contractors and landowners, and makes the whole program much more efficient. However, the original estimate that \$1 per inch would be a sufficient reimbursement has proven to be too small of a fraction of the total costs that contractors charge. Therefore, the reimbursement has not translated into a high incentive for landowners to participate in this program.

The program has received a total of 15 applications. Of those 15, four have been completed, three are still in process, and eight did not qualify for the program or chose not to follow through with the program. A total of \$2,125 in reimbursements has been paid out for \$6,491.75 of total bills, averaging 32% in reimbursement. Staff feels that \$2 per inch maximum reimbursement more accurately reflects the real

cost of hemlock treatment and expects it will allow more flexibility to give an accurate reimbursement rate and should spur more interest in the program.

In addition, the eligibility requirements should be clarified. Stipulating a minimum parcel size does not effectively qualify or disqualify properties from the goal of servicing a large number of hemlocks that are affecting water quality. Based on feedback from the contractors, a minimum number of inches of hemlocks which are affecting water quality is a much more useful requirement. This is also a much easier requirement for landowners to understand.

This action doubles the amount that each landowner receives in reimbursement. While this may result in fewer trees getting treated, the financial success of this program should also be measured in the level of increased knowledge of landowners who would not have been in contact with a landscape professional. This program is being accompanied by an educational program which empowers homeowners to take forest management on their property into their own hands. The enthusiasm for this program which this increased reimbursement rate will create should improve the overall effectiveness of this program.

Chairman Chapman asked if Commissioners should expect a request for additional funding if the new reimbursement rate is approved. Mr. Renner stated that if these efforts are going to continue, he expects to request additional funding every couple of years. For the current year however, he does not expect to exceed budgeted funds. The Manager noted that doubling the reimbursement rate causes the funds to be spent faster than anticipated. In the event that additional funds are needed, the program will be evaluated to determine if it meets the County's priority for funding.

Commissioner Chappell inquired further about the educational component. He asked at what point does the education component occur and if the eight applicants that did not participate receive any education. Mr. Renner said the landowner receives education throughout the entire process. In addition to treating hemlocks, the landowners learn about pests, fire danger, and other factors that could impact their land. As far as the eight applicants not participating, some lived in neighborhoods with homeowners associations that were already participating in hemlock treatment programs and others wanted reimbursement for self-treatment, but the program stipulates that landowners must use one of the program's approved contractors. **Commissioner Lemel moved to approve the modification to the guidelines and policies of the Hemlock Restoration Program, seconded by Commissioner Hawkins and unanimously approved.**

APPLICATION FOR NORTH CAROLINA EDUCATION LOTTERY FUNDS

In order to draw down lottery funds allotted for Transylvania County, the Board of Commissioners and Board of Education must make the request jointly via application. The Board of Education is requesting to draw down funds broken down as follows:

- | | |
|--|------------|
| 1. Replacement of 2 chillers and controls at BES | \$ 212,268 |
| 2. Replacement of 2 chillers on BHS CTE wing | \$ 96,343 |
| 3. Replacement of 2 chillers and controls at RES | \$ 120,000 |

Total request to be drawn down is: **\$ 428,611**

A withdrawal of \$428,611 will leave a balance of \$4,003 in lottery funds. The approval has already been approved by the Board of Education.

Commissioner Lemel moved to approve the request by the Board of Education to draw down \$428,611 in lottery funds as presented, seconded by Commissioner Hawkins and unanimously approved.

BUDGET AMENDMENTS

Finance Director Gay Poor submitted the following budget amendments for approval:

#17: \$25,508 from unassigned Fund Balance for costs incurred by the Sheriff's Office for additional staffing and operating supplies used during the manhunt July 22-July 26, 2017

#18: \$1,437 from unassigned Fund Balance for costs incurred by the Communications and Emergency Management for additional staffing and operating supplies used during the manhunt July 22-July 26, 2017

#19: \$9,199 from assigned Fund Balance for Maintenance projects initiated in FY 17 but not completed until FY 18: \$3,449 for signage and \$5,750 for an HVAC unit for the landfill office at Woodruff

#20: \$9,495 from assigned Fund Balance for Communications projects initiated in FY 17 but not completed until FY 18: \$5,000 for repairs for equipment damaged by an electrical storm and \$4,495 for the overhaul of existing generators

#21: (\$38,520) from budget for other equipment maintenance in Communications back to unassigned Fund Balance (This amount was erroneously carried forward on budget amendment #5.)

If approved, these amendments will increase the General Fund budget by a net amount of \$7,119, bringing it to a total of \$51,473,298.

Commissioner Lemel moved to approve the requested budget amendments as presented. The motion was seconded by Commissioner Hawkins. Commissioner Lemel said she was surprised the manhunt did not cost the County more. Ms. Poor reported this figure captures the incremental costs, not the actual costs. Many were already working their scheduled hours, but were assigned to the manhunt. **The motion was unanimously approved.**

MANAGER'S REPORT

- Next month Transylvania County will host a School of Government researcher working on the topic of women in local government and on a new project about the impacts of the opioid epidemic on local government service workers.
- The Institute of Emerging Issues selected Transylvania County to host one of their Crib to Career Workshops connecting the growing emphasis on early learning to a successful workforce.
- A recent article in *The Transylvania Times* indicated that County funding to the School System had been cut. This information was incorrect, as indicated here:
 - The County appropriation has steadily risen all but two years since FY 03, including after two years of implementing the new formula that was criticized in the newspaper.
 - The annual % school growth has regularly outpaced the remainder of County government funding.
 - The Manager felt it was important to have the correct data from both the Board of Commissioners and Board of Education in order to facilitate discussions on funding, particularly as discussions ensue on potential capital improvements.
 - The County has not received a formal request from the Board of Education, but the article quoted Board of Education Ron Kiviniemi requesting specific data. The Manager has already instructed staff to begin gathering data. Practice has been to use data to guide next steps in terms of policy and funding.
- Kudos Report!
 - Beth Hyatt, Health Department and Jarrett's of Rosman for being one of four statewide recognized Healthy Food Retail Outlets www.eatsmartmovemorenc.com
 - Former Interim Transportation Director Jonathan Griffin and his office staff and drivers from client Terry Platter who appreciates the care and service they provide.

- April Alm who began her new position as Transportation Coordinator September 4.
- Bobby Cooper for his service to victims of Hurricane Harvey on deployment last month and for accepting interim Solid Waste Director position.
- Kim Bailey for accepting the interim EMS Director position to allow more time to recruit a permanent Solid Waste Director.
- Library for their programming and resources for children and young adults from young Library patrons, Jorah and Gabe

Chairman Chapman requested a future agenda item a presentation on school funding. He felt this was important with the bond issue on the horizon. The Manager reported that staff is working on gathering data on a much deeper and relative comparison; more so than what is provided during the budget cycle. This information will aid both Boards in their future discussions.

PUBLIC COMMENTS

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Chappell thanked staff for the appearance change at landfill. He has been receiving compliments from the public. He also gave credit to the community for its efforts in fundraising to provide hurricane relief in Texas and Florida after the hurricanes. Anchor Disaster Relief has raised nearly \$250,000 for these areas. The majority of the donations come from this community and he was very appreciative.

Chairman Chapman reported that he received a personal call from Governor Cooper last week. He was checking on Transylvania County after Hurricane Irma and informed Chairman Chapman to let him know if we needed anything. Chairman Chapman was very appreciative of the call. He suggested one item might be to seeking funding assistance for river cleanup efforts.

Chairman Chapman announced he will not seek reelection in 2018. He was very appreciative of support from the Board and the community and he promised to work hard for the citizens through the end of his term.

Commissioner Hawkins thanked Chairman Chapman for his service as County Commissioner. He said Chairman Chapman is intelligent, has great energy and is a tremendous County Commissioner.

Chairman Chapman moved to enter into closed session per NCGS 143-318.11 (a) (3) to consult with an attorney in order to protect the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged and NCGS 143-318.11 (a) (5) to establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property, after a 5-minute recess, seconded by Commissioner Lemel and unanimously carried.

CLOSED SESSION

Pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney 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 10:35 a.m. Closed session was held in the Arthur C. Wilson, Jr. Conference Room. Present were Chairman Chapman, Commissioners Chappell, Hawkins and Lemel, County Manager Jaime Laughter, County Attorney Misti Bass, Tax Administrator Jessica McCall, via conference call attorney John Noor, and Clerk to the Board Trisha Hogan.

Commissioners met in closed session for the purposes of consulting with attorneys regarding potential litigation. Commissioners were updated on the situation and instructed the attorneys and staff on how to proceed.

Pursuant to NCGS 143-318.11 (a) (5) to establish or instruct staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price or terms of a contract or proposed contract for the acquisition of real property, the second closed session was entered into. Present were Chairman Chapman, Commissioners Chappell, Hawkins and Lemel, County Manager Jaime Laughter, County Attorney Misti Bass, Transylvania Economic Alliance Executive Director Josh Hallingse, and Clerk to the Board Trisha Hogan.

Upon consulting with the County Attorney, it was determined that this closed session could not occur without violating NCGS. No business was discussed.

Commissioner Lemel moved to leave closed session, seconded by Commissioner Hawkins and unanimously approved.

OPEN SESSION

Commissioner Chappell moved to seal the minutes of the closed session until such time that opening the minutes would not frustrate the purpose of the closed session, seconded by Commissioner Lemel and unanimously approved.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Chappell moved to adjourn the meeting at 11:05 a.m., seconded by Commissioner Hawkins and unanimously carried.**

Larry L. Chapman, Chairman
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board