

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**September 9, 2019 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, September 9, 2019 at 4:00 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, Vice-Chairman David Guice, Chairman Mike Hawkins and Page Lemel. 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 20 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding declared a quorum was present and called the meeting to order at 4:11 p.m.

**WELCOME**

Chairman Hawkins 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 HEARING**

**SECTION 5311 ADMINISTRATIVE, COMBINED CAPITAL AND SECTION 5310 OPERATING PROGRAMS FOR FY 2021 (COMMUNITY TRANSPORTATION)**

Transportation Coordinator April Alm presented information necessary for the public hearing on the Section 5311 Administrative, Combined Capital and Section 5310 Operating Programs for FY 2021. The application is due by October 4, 2019.

**FY 2021 5311 Administrative**

The Section 5311 Grant Program is apportioned to counties based on a formula that considers factors such as land area, population, growth rates, vehicle miles and the number of low-income individuals. It subsidizes the administrative costs of running a transportation system. For FY 2021, Transylvania County is requesting a total of \$158,881 which requires a 15% local match of \$23,833.

**FY 2021 Combined Capital Program**

The Combined Capital Program helps the County maintain its fleet of publicly supported transit vehicles and other capital needs. Transylvania County is requesting a total of \$256,429 for the replacement of two vehicles, the purchase of advanced dispatch and scheduling software, and bike racks for vans. A 10% match is required in the amount of \$25,644.

**FY 2021 5310 Operating Program**

Transylvania County was successful in the approval of 5310 funds for FY 2020. For FY 2021, Transylvania County plans to apply for the same amount-\$104,000. This grant assists non-profits in meeting the transportation needs of older adults and people with disabilities when transportation services are unavailable, insufficient or inappropriate to meeting these needs. The grant enables funding for out-

of-county transportation to the elderly and disabled, as well as travel from unincorporated areas of the County to incorporated areas. The grant requires a 50% local match of \$52,000.

Below is a breakdown of the financial impact:

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
5311 Administrative	\$158,881	\$23,833
Combined Capital	\$256,429	\$25,644
5310 Operating	\$104,000	\$52,000
Total Project	\$519,310	\$101,477

Staff asked Commissioners to hold a public hearing to receive input on the grant applications.

**Chairman Hawkins declared the public hearing open at 4:15 p.m.**

There were no comments from the public.

**Chairman Hawkins declared the public hearing closed at 4:16 p.m.**

#### PUBLIC COMMENT

There were no comments from the public.

#### AGENDA MODIFICATIONS

Commissioner Lemel requested to postpone the Planning Board appointments. Under New Business, she requested the Board discuss the Transylvania County Board of Commissioners' Code of Ethics. The Manager requested to add a proclamation for Constitution Week as Item B under the Consent Agenda.

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

#### CONSENT AGENDA

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

The following items were approved:

#### REQUEST FUNDS TO SUPPORT GETSET TRANSYLVANIA

Transylvania County facilitated the establishment of the Early Childhood Initiative (ECI) in 2015 and has been host to the collaboration since. The ECI rebranded in 2018 to GetSet Transylvania. GetSet brings together agencies and nonprofits that serve children 0-5 and their families to coordinate and collaborate on providing services using resources as efficiently as possible. As part of the early childhood advocacy work led by Commissioner Lemel, the opportunity for the ECI to partner with Sesame Street in Communities became official at Halloweenfest in 2018. Sesame Street will be joining us to celebrate the first year of the partnership at Halloweenfest 2019. GetSet is also releasing eight toolkits starting in September that are free to families with young children. The toolkits will contain resource materials and a Sesame Street book. The toolkits are intended to inform caregivers of resources available in the community while also sharing information about Sesame Street's topic of the month.

The Manager requested \$5,000 to help fund the toolkits. The Library Foundation has already pledged \$10,000, another \$4,000 has been donated anonymously and GetSet is pursuing other funding sources. A portion of the State funds for GetSet received last year were used to purchase reusable grocery bags that will contain the toolkit materials. Commissioners authorized the use of \$5,000 from Commissioners' contract services budget to help fund the toolkits.

**PROCLAMATION – PROCLAIMING CONSTITUTION WEEK**

September 17, 2019 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.

Commissioners approved Proclamation 27-2019 – Proclaiming Constitution Week. Chairman Hawkins read aloud the proclamation for the benefit of the public.

**PROCLAMATION #27 - 2019  
PROCLAIMING CONSTITUTION WEEK**

**WHEREAS**, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS**, September 17, 2019 marks the two hundred thirty-second anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 - 23 as Constitution Week;

**NOW, THEREFORE**, the Board of Commissioners of Transylvania County does hereby proclaim September 17 - 23, 2019 as Constitution Week and asks our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

**FURTHERMORE**, the Board of Commissioners of Transylvania County urges all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

This the 9<sup>th</sup> day of September, 2019.

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

## PRESENTATIONS/RECOGNITIONS

### TRANSYLVANIA ECONOMIC ALLIANCE SEMI-ANNUAL REPORT

Josh Hallingse, Executive Director of the Transylvania Economic Alliance presented the organization's semi-annual report. He introduced staff and board members in attendance.

The role and responsibilities of the Transylvania Economic Alliance are three-fold:

1. Market community to perspective target markets interested in locating to this community
2. Work with existing businesses and companies on expansion and retention activities
3. Product development (sites and buildings)

Below is a breakdown of the organization's metrics which the Alliance hopes will have an influence on the greater economic development of the community as compared to peer counties and allow the organization to understand their performance, trends, etc.:

Metrics	Goal FY 2018-19	Actual FY 2018-19
<b>Business Development &amp; Project Activity</b>		
Direct contact with a company, real estate agent, project manager or site consultant representing an opportunity to provide market information.	52	52
Projects generated defined as qualified project with site selection schedule, project specifications, defined real estate needs and direct Alliance contact.	25	27
Projects visited defined as visit to the county to evaluate market and real estate option for investment project or actively engaged in retention/expansion of existing business location.	15	14
Project located defined as a private employer making a decision to locate or expand in Transylvania County, NC.	6	5
<b>Website</b>		
The number of times website has been visited by users.	12,000	11,040
The number of individual visitors to website within a specified time period	7,500	6,818
<b>Business Retention &amp; Expansion</b>		
Formal business visits which can include partner organizations to gather information relative to Transylvania County business climate, trends and job creation and investment opportunities.	45	45
Existing business consulting and troubleshooting contacts	85	83

The Alliance tracks several community metrics for peer comparison, to include:

- Population estimate: 34,000+, an increase over 2017
- Employed: 14,512
- Unemployed: 578, a decrease from the previous year

- Unemployment rate: 4%, rate is lower than previous year, statewide trend
- Tier Designation: 2, rate by NC Department of Commerce, North Carolina has a 3-tier system
- Establishments have remained the same over the past two years
- Total tax base: increase slightly over previous year
- Number of housing units: increase from previous year
- Average weekly wage slightly increased; organization's goal is to create quality jobs that pay wages above the average wage

### **Community Overview**

Mr. Hallingse showed a brief video highlighting some of the manufacturing businesses the organization has worked with in Transylvania County. Manufacturing is an important component of the County's local economy.

### **Existing Business**

The Alliance spends a majority of its time and effort working with existing companies to encourage their growth in Transylvania County, as well as assist them with tackling issues they face in their day-to-day businesses.

The Alliance has focused on the pursuit of manufacturing over the past few years. The manufacturing sector has very specific challenges that others do not, such as talent development, infrastructure and planning issues related to the community. Manufacturing also brings a quality job component and is usually associated with higher wages and better fringe benefits. The manufacturing sector is the fastest growing business sector in our community.

The Alliance performs specific work related to its Business Retention and Expansion program. Most of the work is done behind the scenes with decision-makers and policy-makers to improve the business climate. For example, over the last year the Alliance has been working with the City of Brevard Planning Department to make improvements to the Unified Development Ordinance (UDO) to allow for maximum development potential for the very limited supply of industrial property.

The workforce issue is very important and is one of the driving forces behind making manufacturing more visible to the general community, hence the manufacturing video shown earlier. Transylvania County benefits from the mountains and the beautiful scenery, but it places limitations on manufacturing.

Infrastructure (water and sewer) is critical to development. The Alliance has been working over the past year to understand availability and challenges.

### **Business Development and Marketing**

The Alliance uses a collaborative approach to marketing and business development for their organization. Most of what they do is focused on a specific target market that they can validate using data. Likewise, most of their work is done in conjunction with another organization for the benefit of cost-sharing and reaching audiences they would not have been able to reach otherwise.

### **Product Development**

Product development has been one of the biggest challenges. Again, Transylvania County benefits from an incredible landscape and public lands, but is limited where one can build. Floodplain and steep slopes are not conducive to light industrial development or manufacturing, generally. This remains a focus of the Alliance to make strides in creating product for the community. Their strategy included engaging a site selection consultant to help them understand where there are opportunities to grow industrial areas.

The program continues and has included property owner visits, a review of infrastructure, and trying to understand where there might be partnership opportunities.

One strategy included the Alliance working with the County, the City of Brevard, Golden Leaf and the NC Department of Commerce to develop the Sylvan Valley Industrial Center. Grant dollars helped facilitate the development of the project. As of January this year, the building occupied its first tenant-SylvanSport. The additional space has been leased to TVS to facilitate growth in their company. One of the positive aspects of this project is that it will generate revenue, in addition to the benefit of creating jobs, for reinvestment in future product development. It also serves as a marketing tool to generate leads for future businesses. For this particular project, property was returned to the tax rolls that was once owned by the City of Brevard.

The Alliance is frequently asked about the status of Davidson River Village. This property was once one of the primary industrial sites in the community. The Alliance has worked hard to develop a relationship with the landowner to help them bring the property to market. It was entered into the Duke Energy Site Readiness Program in late 2017. This resulted in a sales price and confirmation from the landowner that they are willing to sell the property. The site is complicated and does not come without some hindrances. Currently the owner desires to sell the entire property to one entity and has no interest in subdividing it. The site contains 535 acres. Most of the Alliance's leads have not been seeking a tract containing 535 acres. There is only a small percentage of the 535 acres that can be developed for traditional business purposes which limits where development can occur on the site. It is also a brownfield site which comes with additional complex requirements for navigating land use restrictions and dealing with environmental issues.

This concluded Mr. Hallingse's presentation.

Chairman Hawkins called for questions and comments for Mr. Hallingse.

Commissioner Lemel appreciated the emphasis on manufacturing since this sector brings higher wages. She reported that Transylvania County ranks fourth from the bottom in average weekly take home wages compared to our peers. Knowing that Transylvania County's economy is highly driven by tourism, she inquired about opportunities in the Alliance's Business Retention and Expansion Program to cultivate cooperatives among different types of industries to elevate wages for people working in those jobs. She recalled that Senator Edwards sponsored a bill allowing like industries to band together to purchase insurance. She felt there would be opportunities like this to benefit businesses and ensure citizens are making higher wages. Mr. Hallingse felt there were some interesting opportunities on the horizon, particularly with the Alliance's partnership with local education institutions. Blue Ridge Community College recently established an apprenticeship program. No employer is currently vested or actively participating in the program, but there is interest. He felt it will have an impact on wages, primarily because it is a quality-driven program that is focused on developing skill sets in youth and training them for available position. This is in response to the demand for quality talent. It is also a way to leverage the community college in a fuller way. Mr. Hallingse also felt there were opportunities for non-manufacturing organizations that pursue talent development in a similar way. Currently, the program has been built for skills that are related to mechatronics and engineering.

Chairman Hawkins asked Mr. Hallingse's opinion on realistic job growth and capital investment figures to aim for over the next three to five years. Mr. Hallingse said both are dependent on available product. The Alliance currently aims for 50 jobs per year. With the square footage that is currently available, it provides some opportunities in product that they did not have in the past. The Alliance sees a lot of interest from existing companies about expanding and growing jobs, and their goal is to prepare a pathway for their success. He pointed out that investment is difficult to pin down because it depends on

the target sector. The Alliance attempts to forecast new product based on what they believe people will invest in, but it is also the local government that must be progressive in promoting this effort. Mr. Hallingse pointed out the current unemployment rate is a challenge because it is a record low. Despite this, he felt there are opportunities to tap into some growing fields.

Commissioner Cathey inquired about who bears responsibility for the leachate testing at the former Ecusta site. He noted this responsibility plays into the ability to develop the property. Mr. Hallingse stated that Davidson River Village, LLC is responsible for maintaining the brownfield agreements that are in place with NCDEQ. He said the fact that there are brownfield agreements in place is positive, but they are complex. They typically come with development restrictions. The field of potential candidates that would be able to leverage this type of property is narrow.

Commissioner Chappell stated that workforce availability and labor issues are being experienced all over Western North Carolina and are projected to continue. He said the Alliance is taking proactive steps by highlighting manufacturing jobs here, especially through the video that was shown earlier. He felt if we can continue to broadcast our strengths, we will be in a better position moving forward. Commissioner Chappell was very appreciative of the Alliance's efforts to highlight the County's strengths. Mr. Hallingse reported that during the video campaign process, they worked with a regional economist to determine the County's labor situation across various sectors. The Alliance learned that our labor is regional. There are approximately 400 people who leave the County every day to work in another county. Transylvania County also brings in some labor. The Alliance feels there is some untapped potential for existing companies when there is a challenge for finding talent.

Commissioner Guice said he is asked frequently by citizens how the Board of Commissioners measures the Alliance's success. He was interested in hearing from Mr. Hallingse how he thought the County should measure the Alliance's success and their work. Mr. Hallingse responded that the Alliance views their work and success through their primary program missions (existing business outreach, marketing business development toward target markets and creating product development) and the goals they want to accomplish each year related to those programs. This drives their day-to-day activities and their long term outlook. It is one of the reasons the Alliance engaged a site analysis because they understood that product development is challenging and difficult for most communities to do well. Reaching out to existing companies is not just to complete a goal, but to ensure the Alliance is responsive to them and helps them to overcome challenges. He reminded Commissioners of his earlier statement about working with the City on modifications to the UDO, for instance, and noted that this work takes time. A multi-year strategy is necessary to develop ideas and make them reality. From the County's perspective, job creation and investment are probably the best metrics in terms of measuring how an economic development organization performs.

Commissioner Cathey asked if there had been an environmental survey completed on the old Gloucester lumberyard. He felt it was prime for development due to access to utilities and there should be an appreciation of the environmental status of that property before proceeding further with it. Mr. Hallingse was unaware of any studies completed on the property.

Commissioner Guice agreed that product development is critical and essential. He commented on the Davison River Village property. Approximately 70% of the site is undevelopable, leaving about 130 acres that can be used for some purpose. The general public does not understand why we are not able to attract buyers or why the Alliance is focused on other economic development efforts. He felt there should be more focus on that site. Mr. Hallingse responded that the challenges with the site are significant. The property is privately owned, so the Alliance can only bring resources to the table. The Alliance has tried to move the property forward in terms of marketing it successfully for potential leads and projects. For this reason, the organization has focused on other opportunities, and not solely on this site.

Chairman Hawkins noted that the Alliance has been in existence for four years now, and he felt there was a need for a conversation among members of both boards and staff to ensure both entities were on the same page with regard to expectations and contractual obligations. He asked the Manager to coordinate a meeting with the Alliance.

Commissioner Cathey asked if there had been a study or appreciation of the former Peter Vitalie building. Mr. Hallingse responded that an environmental assessment had been conducted. He found the 14 acre site to be a great site. One challenge with the building is its low ceilings.

There were no further questions. Chairman Hawkins thanked Mr. Hallingse for his presentation.

## APPOINTMENTS

### JUVENILE CRIME PREVENTION COUNCIL

The mental health director or designee position traditionally made by the local management entity is vacant due to turnover and/or restructuring of positions at Vaya Health. Sarah Hatch was recently hired by Vaya Health as its new care manager for youth in the community. NC General Statutes govern the membership of the Juvenile Crime Prevention Council. The recommendation is to appoint Sarah Hatch to fill the mental health director or designee vacancy on the Juvenile Crime Prevention Council.

Commissioner Lemel expressed she is very interested in helping to recruit for the student positions and would like to contact the high schools to facilitate the recruitment.

**Commissioner Lemel moved to appoint Sarah Hatch to fill the mental health director or designee vacancy on the Juvenile Crime Prevention Council, seconded by Commissioner Cathey and unanimously approved.**

## OLD BUSINESS

### SALE OF COUNTY OWNED PROPERTY

Annelise and Jacob Hagedorn, with the Brevard Tiny House Company, contacted the Manager with an interest in purchasing county-owned property for the purpose of building workforce housing. According to the email correspondence, Brevard Tiny House Company is a local, family-owned business with experience in building homes and renting them at rates that would meet the County's definition of affordable. They have built two homes on Hemphill Circle that meet the affordability criteria. Their work can be viewed on their website at [www.brevardtinyhouse.com](http://www.brevardtinyhouse.com).

The County owns property on North Lane and Duckworth Avenue that were either foreclosed upon or seized and did not sell at auction. The tax value of the property on North Lane (PIN # 8586-21-9844) is \$10,000. Brevard Tiny House Company offered \$10,000 for the 0.1 acre lot. The property on Duckworth Avenue (PIN #8585-39-2975) has a tax value of \$22,500. Brevard Tiny House Company offered \$15,000 for the 0.3 acre lot. In May 2017, the City of Brevard expressed possible interest in this lot because it is adjacent to City-owned property on which the Tannery Park Project is slated to go. Prior to receiving the offer from the Hagedorn's/Brevard Tiny House Company, there had been no further interest expressed in this property.

On July 9, 2019, the Board of Commissioners accepted the offers from the Hagedorns/Brevard Tiny House Company and instructed the Clerk to the Board to advertise for invitations for upset bids according to NC General Statutes. The Clerk received no upset bids on either property.

During their due diligence, the Hagedorns learned of an encumbrance on the Duckworth Avenue property that would keep them from being able to construct affordable housing on the lot. They no longer have an interest in purchasing this lot. The Board of Commissioners would need to release them from their obligation; otherwise, they would have to purchase the property. Additionally, the City of Brevard has renewed their interest in the property because of its adjacency to Tannery Park and potential connection to the Brevard Trail System.

Staff recommended Commissioners consider the following recommendations:

*North Lane property*

1. Accept the final offer of \$10,000 from Annelise and Jacob Hagedorn/Brevard Tiny House Company for the property on North Lane (PIN # 8586-21-9844) and instruct staff to move forward with transfer of the property upon receipt of payment in full, with closing costs and any other related costs to be borne by the Hagedorns.

*Duckworth Avenue property*

1. Accept the final offer of \$15,000 from Annelise and Jacob Hagedorn/Brevard Tiny House Company for the property on Duckworth Avenue (PIN #8585-39-2975) and instruct staff to move forward with transfer of the property upon receipt of payment in full, with closing costs and any other related costs to be borne by the Hagedorns.
2. Release Annelise and Jacob Hagedorn/Brevard Tiny House Company from their obligation to purchase the property on Duckworth Avenue and refund their deposit.
3. Consider donation of property to the City of Brevard. Conveyance of real property to another unit of local government must be approved by resolution. No other procedures are required.

Commissioner Cathey inquired about the nature of the encumbrance. The Manager stated it appears that the City of Brevard installed a water and sewer line across the property without filing the appropriate easements.

**Commissioner Lemel moved to accept the final offer of \$10,000 from Annelise and Jacob Hagedorn/Brevard Tiny House Company for the property on North Lane (PIN # 8586-21-9844) and instructed staff to move forward with transfer of the property upon receipt of payment in full, with closing costs and any other related costs to be borne by the Hagedorns, seconded by Commissioners Cathey and Chappell simultaneously, and unanimously approved.**

**Commissioner Lemel moved to release Annelise and Jacob Hagedorn/Brevard Tiny House Company from their obligation to purchase the property on Duckworth Avenue and refund their deposit, and to donate the property to the City of Brevard, seconded by Commissioner Guice. Commissioner Lemel moved to amend the main motion to include that closing costs are borne by City of Brevard, and to approve the donation by resolution, seconded by Commissioner Cathey, and unanimously approved. The main motion was unanimously approved.**

## NEW BUSINESS

### DAVIDSON RIVER CONNECTOR INTERSECTION

Land of Sky Regional Council RPO Coordinator Vicki Eastland presented this item to the Board of Commissioners. The NC Department of Transportation (NCDOT) has been evaluating options for the construction of the intersection of the new Davidson River Connector Road. The Regional Traffic Engineer is not in favor of the original decision to construct a right in/right out only design because it negates the purpose and intent of the connector road. NCDOT would prefer to move forward with a roundabout based on the results of a feasibility study conducted in March 2019. The alternative they

chase has the least impact to property and the existing roadway. NCDOT has requested input from both the City of Brevard and Transylvania County so they can begin design. The project is expected to be completed in late spring.

This agenda item was for informational purposes only, but Commissioners could give feedback.

Commissioner Chappell asked for copies of the documents to share on the County website for the purpose of informing the public. Ms. Eastland will forward the information to the Manager.

APPLICATION FOR SECTION 5311 ADMINISTRATIVE, COMBINED CAPITAL AND SECTION 5310 OPERATING PROGRAMS FOR FY 2021 (COMMUNITY TRANSPORTATION)

Transportation Coordinator April Alm reviewed the information that she presented for the public hearing which was held at the beginning of meeting and required to make application to the grant program.

FY 2021 5311 Administrative

The Section 5311 Grant Program is apportioned to counties based on a formula that considers factors such as land area, population, growth rates, vehicle miles and the number of low-income individuals. It subsidizes the administrative costs of running a transportation system, including salaries, wages and fringe benefits for non-operational employees. For FY 2021, Transylvania County is requesting a total of \$158,881 which requires a 15% local match of \$23,833.

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Ms. Alm invited the public to complete two surveys: Title VI Public Involvement form and a survey regarding the proposed grant presented today.

**Commissioner Lemel moved to grant permission for Transylvania County Transportation to apply for the FY 2021 Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation and provide the necessary assurances and the required local match, seconded by Commissioner Guice.** Commissioner Lemel was impressed with the department's frugality. The operation of the Transportation Department is very essential to our citizens.

Commissioner Chappell agreed, noting the County gets more out of the program than it invests. Commissioner Guice commented that public transportation is a challenge for rural community and he commended staff for the work they do. Chairman Hawkins noted that the Land of Sky plans to begin a pilot program in Asheville/Buncombe County to help people with transportation to work. If it is successful, it could be expanded to counties in their region, including Transylvania County. **The motion was unanimously approved.**

*Commissioner Cathey abstained from voting. He was not excused from voting and there was no conflict of interest reported, therefore his non-vote was counted in the affirmative with the majority vote.*

#### POSITION GRADE RECLASSIFICATION IN COUNTY TRANSPORTATION DEPARTMENT

The positions in the County Transportation Department have changed over the last several years. Following the retirement of several employees, duties were structured to accommodate the workload. In the future, the administrative reimbursement for dispatch services will be changing which necessitates reclassifying the position that is funded through the administrative portion of the grants. To maximize the use of the grants received by the County, the Manager suggested reclassifying the administrative office position to program support assistant and separate the administrative assistant dispatch into a separate position.

**Commissioner Lemel moved to reclassify the administrative office assistant position to a program support assistant (Administrative Support Assistant IV) and to separate the administrative assistant dispatch into a different position, seconded by Commissioner Cathey.** Commissioner Chappell asked for data to show the position is meeting what it is intended to do for the next budget cycle. The Manager reminded Commissioners that the process is underway to combine the Transportation Department with the Planning and Community Development Department. With that will come some changes in the department's structure. She will keep the Board informed on the results of this merger. She also pointed out some other changes expected in Transportation, such as adding a deviated fixed route system that would allow for greater efficiency. **The motion was approved unanimously approved.**

#### REQUEST FOR FIRE SERVICE DISTRICT RESERVE FUNDS

Assistant County Manager David McNeill presented this item. Rosman Fire Rescue intends to use carryover funds from FY 18-19 totaling \$9,000 along with current year funds in the amount of \$13,000 to add to \$60,000 in reserve funds to purchase nine new air packs and 12 cylinders. Cylinders must be removed from service once they meet their 15-year life span.

Funds are available for this upgrade in their reserves. If approved, their reserve account balance would be \$20,277.10.

**Commissioner Cathey moved to accept the request by Rosman Fire Rescue to use \$60,000 from their reserve funds for the purchase of air packets and cylinders, seconded by Commissioner Lemel.** Commissioner Guice asked if it was possible to organize the purchase of this type of equipment for all departments to receive a better rate. Mr. McNeill said he encourages this practice throughout the departments; however, not every department utilizes the same equipment. It could be possible to facilitate opportunities for future purchases. He thought it was important to note that each department is a private nonprofit entity. While the County can certainly make recommendations, they operate under the direction of their respective boards of directors. Commissioner Guice agreed with his statements, but reminded him they operate using taxpayer dollars and it is important to find efficiencies and savings to avoid unnecessary tax rate increases. **The motion was approved unanimously.**

DISCUSSION OF TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS CODE OF ETHICS

Chairman Hawkins reported that this issue was brought to light today. The goal of this discussion is to see how the current code applies to the Board and if there was any direction that should be given to staff.

Commissioner Lemel referred specifically to section 4 for discussion.

Commissioner Guice commended Commissioner Chappell for his service on the Board at the time in which the code of ethics was drafted and approved. He felt the document to be very important and one that defines the roles and responsibilities of a County Commissioner in a straightforward way.

Commissioner Guice read section 4 aloud. It states:

*Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.*

*Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.*

*Board members should be willing their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.*

Commissioner Guice stated that Commissioners are concerned about the large number of meetings that Commissioner Cathey has missed.

Commissioner Cathey replied that he could provide medical documentation for his absences if needed.

Commissioner Guice reported on Commissioner Cathey's attendance record and noted that he failed to respond to attempts by the Chairman to contact him. He stated the work of a County Commissioner is difficult and it requires attendance and preparation. The number of absences has caused the other Board members to have great concern. In addition, they feel they the Board's code of ethics exemplifies those concerns as it relates to the responsibilities of a County Commissioner.

Chairman Hawkins added that part of the reason he is okay with having this discussion is for the purpose of understanding how to resolve this problem. It runs contrary to the standards in the code of ethics that the Board has vowed to hold itself to. His goal is to discuss paths forward and deal with the problem.

Commissioner Guice stated that Commissioners are also responsible for serving on various committees. There are certain appointments in which the appointment of a County Commissioner is required. He was also concerned that Commissioner Cathey was appointed by the Board of Commissioners to the Board of Health, but has yet to be sworn in or attend a meeting. In addition, the Board of Commissioners made adjustments to the meeting schedule at Commissioner Cathey's request. All Board meetings are important as Commissioners are making critical decisions regarding the future of this community. He did not want to sound negative, but noted that there is action the Board can take.

Chairman Hawkins stated if the code of ethics is intended to have meaning, then it should be honored. Given the standards set in the document, there is a serious issue that needs to be resolved. He was open to suggestions on a path forward.

Commissioner Cathey said it is his primary purpose to attend Board meetings, but he has been suffering through health issues. He stated he has provided his contact information to Commissioners where he can be reached anytime. He stressed that he wants to be part of this Board and do his job.

Commissioner Lemel asked Commissioner Cathey if he would commit to attending the Board of Health meeting tomorrow night. He replied yes. She also said he is expected to read the agenda packets on his County-issued laptop in preparation for each Board meeting.

Commissioner Guice informed Commissioner Cathey of important documents waiting in his office mailbox.

**Commissioner Guice moved to request the Chairman check with legal counsel and either the NCACC or School of Government to determine options available to the Board, seconded by Commissioner Cathey.** Chairman Hawkins stated this Board should be viewed as an institution and it should be honored. For that reason, he thought it was useful to examine all the ways Commissioners can maintain its integrity. Commissioner Chappell expressed concern with procedure. The agenda item was added to review the code of ethics, but there was no indication of any anticipated action. Chairman Hawkins agreed with consistency with Board procedure and he felt he could act without a formal motion. **The motion passed by 3 to 2, with Commissioner Chappell and Chairman Hawkins voting against.**

#### MANAGER'S REPORT

The Manager reported the following:

- GetSet will launch the first toolkit distribution on the topic of family bonding on September 16. Caregivers interested in receiving a toolkit can sign up for free at [getset-tc.org](http://getset-tc.org). October's toolkit will feature the topic of language development. Commissioner Lemel had a sample toolkit for viewing by Commissioners and the public and she described the contents.
- The first cohort of Connect Transylvania had their first session in August. This cohort of County employees from across the organization will learn about the diverse services the County provides over the coming year while also participating in leadership and professional development.
- Kudos from NCACC Fellow Kate Hayes to the Building Department for their assistance in learning development processes as she assists Planning Director Jason Stewart on recommendations for process improvement in the Planning Department.

#### **PUBLIC COMMENT**

There were no comments from the public.

#### **COMMISSIONERS' COMMENTS**

Commissioner Chappell read two quotes in remembrance of the upcoming 18<sup>th</sup> anniversary of the 9/11 terrorist attacks.

“Today, our fellow citizens, our way of life, our very freedom, came under attack in a series of deliberate and deadly terrorist acts. The victims were in airplanes or in their offices, secretaries, business men/women, military and federal workers, moms and dads, friends and neighbors. Thousands of lives were suddenly ended by evil, despicable acts of terror. The pictures of airplanes flying into buildings, fires burning, and huge structures collapsing have filled us with disbelief, terrible sadness and quiet unyielding anger. These acts of mass murder were intended to frighten our nation into chaos and retreat, but they have failed. Our country is strong. A great people has been moved to defend a great nation.”  
President George W. Bush

“The attacks of September 11<sup>th</sup> were intended to break our spirit. Instead we have emerged stronger and more unified. We feel renewed devotion to principles of political, economic and religious freedom, rule of law and respect for human life. We are more determined than ever to live our lives in freedom.” NYC Mayor Rudy Giuliani

**Chairman Hawkins moved to enter into closed session per North Carolina General Statute § 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, after a 5 minute recess, seconded by Commissioner Cathey and unanimously carried.**

#### CLOSED SESSION

Per North Carolina General Statute § 143-318.11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, closed session was entered into at 6:30 p.m. Present were Chairman Hawkins, Commissioners Cathey, Chappell, Guice and Lemel, County Manager Jaime Laughter, County Attorney Misti Bass, and Clerk to the Board Trisha Hogan.

Commissioners received an update from the County Manager, the Board’s negotiating agent, on the potential purchase of property and instructed staff on how to proceed.

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

#### OPEN SESSION

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

#### ADJOURNMENT

There being no further business to come before the Board, **Chairman Hawkins moved to adjourn the meeting at 6:45 p.m., seconded by Commissioner Lemel and unanimously carried.**

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board