

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**June 22, 2020 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, June 22, 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 Jason Chappell, David Guice, Chairman Mike Hawkins, and Vice-Chairwoman Page Lemel. Commissioner Jake Dalton participated electronically/virtually. (In response to the COVID-19 pandemic, the NC General Assembly enacted legislation allowing for participation electronically giving the elected official participating remotely the authority to vote during a state of emergency.) 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 7 people in the audience, including staff.

**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 participating both in person and remotely. He introduced Commissioners and staff in attendance.

**PUBLIC COMMENT**

*The comments made by the public represent the individual speaker's opinion or point of view. No attempt was made to vet their statements for accuracy or modify them based on facts.*

Terry Crowe: Mr. Crowe spoke on behalf of Rosman Fire Rescue. He pointed to the Commissioners' recent decision to conduct a pooled audit for the fire departments. He stated the process is not shaping up to be as simple as thought, noting that their previous auditor also processed their tax returns. Going with a new auditor will require the department to request an extension on their tax returns until the audits are complete and will result in additional costs. Mr. Crowe said he spoke to Assistant County Manager David McNeill about his concerns and that Mr. McNeill offered some options for consideration, one of which would be to use reserve funds to pay for the audits. He asked Commissioners not to consider the use of the reserve funds for this purpose. He said the reserve funds will be extremely critical this year to the departments as they continue to experience the increased cost of goods and materials. He thanked Commissioners for their consideration.

Larry Chapman: Mr. Chapman addressed the Board about the school bond. He recognized many of the decisions related to the school bond belong to the Board of Education; however, it is the Board of Commissioners who controls the dollars. Mr. Chapman noted it has been two years since voters approved the school bond and he felt the public deserved an update on the status as well as an explanation of any changes due to the current economic climate. He said he would be addressing the Board of Education and asking the same. He was concerned that costs were going to continue to rise as the construction projects

are delayed. He felt it was important for the public to remain informed about this project especially given the cost to the citizens.

### AGENDA MODIFICATIONS

There were no agenda modifications.

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

### CONSENT AGENDA

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

The following items were approved:

#### MINUTES

The Board of Commissioners met in regular session on April 15, 2020 and following met in closed session in which the minutes were sealed. The Board of Commissioners met in regular session on June 8, 2020 and held a public hearing on the FY 21 Budget. The minutes were approved as submitted.

#### DISCOVERY, RELEASE AND MONTHLY SETTLEMENT

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 May, tax dollars released totaled \$348.84 and refunds amounted to \$599.42. For the period June 1-22, 2020, tax dollars released totaled \$110 and refunds equaled \$948.72. Commissioners approved the Discovery, Release & Monthly Settlement Reports for May 2020 & June 1-22, 2020.

#### VAHA HEALTH MAINTENANCE OF EFFORT ALLOCATION AND ACKNOWLEDGEMENT

The relationship between Vaya Health, a local management entity/managed care organization (LME/MCO), and Transylvania County is articulated primarily by the Mental Health, Developmental Disabilities and Substance Abuse Act of 1985, primarily chapters 122C-115. Whereas, several decades ago, counties were responsible for providing these services directly or being part of smaller, multi-county programs, these responsibilities were shifted to LME/MCOs in the early 2000's to cover larger formal multi-county areas established by State law with the County governments taking on more of an advisory role with smaller relative financial contributions. A new requirement to acknowledge the actions of Vaya Health (which has the power to set a local contribution level for counties) appears to be related to the activities of other county governments, which have either sought to remove themselves from the relationship with the LME/MCO or suspend the required maintenance of effort payments. The acknowledgement must be signed by the duly authorized representative of the Board. The Board of Commissioners authorized Chairman Hawkins to sign the acknowledgement form and instructed staff to return it to Vaya Health.

Commissioner Lemel commented that the maintenance of effort funds contributed by Transylvania County has remained at \$99,621 for many years. Those dollars come back to Transylvania County and are meant to meet the needs of those who have no other alternatives for medical coverage for mental

health resources. She found it interesting that Vaya Health has not sought an increase in the County's contribution when the need has grown.

**RESOLUTION – DESIGNATION OF JULY AS PARKS AND RECREATION MONTH**

In July 2020, the National Recreation and Parks Association is sponsoring another year of its annual Parks and Recreation month. This year's theme is "We Are Parks and Recreation" to highlight the diversity of parks and recreation professionals and showcase their selfless work. There is no better way to celebrate throughout the month than by lifting up people who make it happen all year long. Commissioners approved Resolution #21-2020 Designation of July as Parks and Recreation Month.

**Resolution #21-2020  
Designation of July as Parks and Recreation Month**

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Transylvania County; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, Transylvania County recognizes the benefits derived from parks and recreation resources;

NOW THEREFORE, BE IT RESOLVED BY the Board of Commissioners of Transylvania County that July is recognized as Parks and Recreation Month.

This the 22<sup>nd</sup> day of June, 2020.

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

DISASTER RESPONSE SPECIAL REVENUE FUND

On June 4, 2020, the Local Government Commission (LGC) published guidance regarding how to account for revenues received under the CARES Act, specifically that a separate accounting tool should be used. Staff drafted a resolution that will add a new special revenue fund titled the “Disaster Response Fund” to meet this new requirement. Commissioners approved the resolution per the LGC ‘s requirements.

**RESOLUTION #22-2020  
ESTABLISH A DISASTER RESPONSE SPECIAL REVENUE FUND**

WHEREAS, the North Carolina Local Government Budget and Fiscal Control Act (N.C.G.S. 159) imposes certain restrictions on local government units and articulates the procedures under which government units must structure their financial activities and places those activities under the general oversight of the Local Government Commission; and

WHEREAS, the Local Government Commission has instructed government units to account for revenues received from federal government sources authorized by the CARES act in a special revenue fund as defined by N.C.G.S. 159-26(b)(2);

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

- 1.) There shall be created a special revenue fund belonging to the County titled the Disaster Response Fund.
- 2.) All monies or disbursements received pursuant to the CARES act shall be deposited into and accounted for exclusively within the Disaster Response Fund and all expenditures related to the Novel Coronavirus response within Transylvania County shall be accounted for within this same fund.

**Adopted and approved** this the 22nd day of June, 2020.

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

**PRESENTATIONS/RECOGNITIONS**

PROCLAMATION IN MEMORY OF WILLIAM J. “WILL” CATHEY, III

County Commissioner Will Cathey died unexpectedly on April 30, 2020. He was known for his dedication to public service and made his life one of service to the community. Commissioners wish to honor his memory with a proclamation that will become a permanent record for the citizens of Transylvania County.

Chairman Hawkins read aloud the proclamation. After approval, he presented a framed copy of the proclamation to Commissioner Cathey’s father, Coach William J. “Bill” Cathey.

**Commissioner Lemel moved to approve Proclamation #20-2020 In Memory of William J. “Will” Cathey, III, seconded by Commissioner Chappell.** Commissioner Lemel found the proclamation to be a very fitting remembrance of Mr. Cathey, particularly his passion for reading. In many ways he challenged her to expand her own reading. She appreciated his incredible thirst for knowledge. Commissioner Chappell expressed his heartfelt condolences to the family. He said a fitting way to honor Mr. Cathey’s memory would be to donate to Rosman High School. There has already been an enormous response to this request. Commissioner Chappell was appreciative of the friendship he shared with Mr. Cathey and his family over many years. Commissioner Guice said that Mr. Cathey was one of the first people he met when he moved to Transylvania County more than 40 years ago due to their work in the judicial system. He described Mr. Cathey as being kind, generous, extremely smart, and having a unique courtroom demeanor. He enjoyed their conversations and learned much from him through his passion for reading. He said Commissioner Cathey made a tremendous impact on the community that will be felt for many years. Commissioner Dalton was appreciative of Mr. Cathey’s support of the Rosman community and the Rosman Tigers. He developed a close friendship with him over the last few years. He said the Cathey family has been very influential in the Rosman community and Commissioner Cathey will be missed. Chairman Hawkins said he had a conversation with Mr. Cathey during the meeting prior to his passing, and he was very happy and in a such a good mood. That is how he will remember Mr. Cathey. **The motion was approved unanimously.**

Chairman Hawkins presented a framed copy of the proclamation to Mr. Cathey’s father. Mr. Cathey thanked Commissioners for this recognition. He said he was very proud of his son. He shared his love of Rosman. He was very pleased with career and his impact on the community. He thanked Commissioners on behalf of the Cathey family.

Proclamation #20-2020  
County Commissioner William J. “Will” Cathey, III  
June 29, 1954 – April 30, 2020

**WHEREAS**, Transylvania County lost a valued member and leader on April 30, 2020, with the death of William J. “Will” Cathey, III; and

**WHEREAS**, Will Cathey was a native of Johnson City, TN, and he was the son of William and Juanelle Randolph Cathey; and

**WHEREAS**, he attended the United States Military Academy and the University of North Carolina at Asheville, and graduated from Emory Law School; and

**WHEREAS**, he worked as Assistant District Attorney in Transylvania County before entering into private practice in 1992, where he did a great deal of pro bono work for people in the county; and

**WHEREAS**, one of his favorite past-times was reading; he had a large personal library and he loved to study military history; and

**WHEREAS**, Will Cathey loved the Town of Rosman, of which he was the former Mayor, as well as Rosman High School and Rosman Tigers Football; and

**WHEREAS**, Will Cathey was known for his dedication to public service and made his life one of service to this community; and

**WHEREAS**, Will Cathey’s sense of humor, kindness and graciousness enriched those fortunate enough to know and work with him; and

**WHEREAS**, Will Cathey was much loved and respected by his family, friends and co-workers;

**NOW, THEREFORE, BE IT PROCLAIMED** by the Transylvania County Board of Commissioners that William J. ‘Will’ Cathey, III is acknowledged as having been a good, loyal, and faithful public servant.

**BE IT FURTHER PROCLAIMED** that the Transylvania County Board of Commissioners extends its sincerest condolences to his family and friends.

This the 22<sup>nd</sup> day of June, 2020.

Mike Hawkins, Chair  
Transylvania County Board of Commissioners

### **APPOINTMENTS**

#### PARKS AND RECREATION COMMISSION

The terms of Greg Cochran, Danny Hein, and Cody Owen expire at the end of June. All are eligible and willing to serve another term. It is the recommendation of Parks and Recreation Director Jared Mull to reappoint all three members.

**Commissioner Lemel moved to reappoint Greg Cochran, Danny Hein and Cody Owen to the Parks and Recreation Commission, seconded by Commissioner Guice and unanimously approved.**

#### REGIONAL COUNCIL ON AGING

Kathe Harris’ term on the Regional Council on Aging expires June 30. She is eligible and willing to serve another. It is the recommendation of Land of Sky Area Aging Director LeeAnne Tucker to reappoint Ms. Harris to another term.

The Senior Tar Heel Delegate position is vacant. Ms. Tucker is reviewing applications and contacting the applicants about this position now and should have a recommendation for filling the vacancy soon.

**Commissioner Guice moved to reappoint Kathe Harris to the Regional Council on Aging, seconded by Commissioner Lemel.** Commissioner Lemel shared that Ms. Harris is a tremendous participant in the Senior Services Task Force that is looking at formalizing the County’s Council on Aging. She is very committed to the cause and is the perfect person for this position. **The motion unanimously approved.**

#### SOCIAL SERVICES BOARD

The terms of David Neumann and Ann Stone expire at the end of June. Mr. Neumann has served two full terms and is not eligible for reappointment. Ann Stone is the State Appointee. The County will be notified when she has been reappointed. The Social Services Board has reviewed the applications on file and recommends the appointment of Jessica Shanor to replace Mr. Neumann at the expiration of his term.

**Commissioner Lemel moved to appoint Jessica Shanor to the Social Services Board, seconded by Commissioner Chappell.** Commissioner Lemel stated that Ms. Shanor brings a terrific perspective to the Social Services Board. She is an active foster parent. Commissioner Lemel said the County has been working hard on improving the base of knowledge on the Social Services Board for the specific services that the Department of Social Services provides. She felt Ms. Shanor would be a great addition to this board. **The motion was unanimously approved.**

### REVIEW OF COUNTY COMMISSIONER APPOINTMENTS

County Commissioners serve on a variety of boards and committees. The Clerk provided a current list of Commissioner appointments and requested Commissioners review for accuracy and determine if they want to continue serving in their current capacities. The Board of Commissioners normally reviews their appointments on an annual basis.

Late County Commissioner Will Cathey represented the Board of Commissioners as the Commissioner Appointee to the Board of Health. The seat is now vacant due to his passing.

<b>Jason Chappell</b>	<b>David Guice</b>	<b>Mike Hawkins</b>	<b>Page Lemel</b>	<b>Vacancy</b>
Land of Sky Regional Council-alternate	Juvenile Crime Prevention Council	Land of Sky Regional Council Executive Committee	Social Services Board	Board of Health
Work First	Personnel Board	Gorges State Park Advisory Board	NCACC Health & Human Services Steering Committee-Chair; NCACC Board of Directors	
Land of Sky Rural Planning Organization		Transylvania County Tourism Development Authority	VAYA Health County Commissioner Advisory Council & Board of Directors	
French Broad River Metropolitan Planning Organization		Economic Development Partnership of NC Executive Board	Get Set Transylvania	
		NC Travel & Tourism	Domestic Violence/Sexual Assault Task Force	
			Senior Services Task Force	

Chairman Hawkins reported that he sent this information to Commissioners earlier and offered the Board of Health position to either Commissioner Dalton or Guice. He shared that Commissioner Guice stated

he would be willing to serve on the Board of Health if he could step down from the Juvenile Crime Prevention Council. Commissioner Dalton was amenable to that suggestion. Commissioners were supportive of the recommendation. They thought it was good for the public to see the number of boards and committees on which Commissioners serve either as a statutory requirement or because of their specific interests.

**Commissioner Lemel moved to nominate Commissioner Guice to fill the vacancy on the Board of Health, seconded by Commissioner Chappell and unanimously approved.**

**Commissioner Lemel moved to appoint Commissioner Dalton to the Juvenile Crime Prevention Council, seconded by Commissioner Guice and unanimously approved.**

## OLD BUSINESS

### LETTER OF RECOMMENDATION TO US FOREST SERVICE ON NANTAHALA AND PISGAH NATIONAL FOREST PLAN REVISION

In 2013, the US Forest Service began the process of rewriting the management plans for the Pisgah and Nantahala National Forests. They developed various alternatives identifying differing management goals from continuing management efforts unchanged to restricting management efforts to minimize the impact of management actions on the forest. The US Forest Service opened the Plan Revision for public inspection and invited input and recommendations.

In advance of the close of the public comment period at the end of June, the Board of Commissioners asked the Transylvania Natural Resources Council to review the different alternatives and report back to the Board their thoughts, comments and recommendations. The TNRC spent a great deal of time reviewing the Plan Revision and the various alternatives and presented the Board with recommendations at the June 8 meeting. At that time, Commissioners instructed staff to draft a letter to include the TNRC's recommendations for approval at the June 22 meeting. The letter is included in the Board's agenda packet for consideration and Chairman Hawkins read it aloud for the benefit of the public.

Plan Revision Team  
National Forests in North Carolina  
160 Zilicoa Street  
Asheville, NC 28801

Dear ~~Sirs or Madams~~ Plan Revision Team Members:

The Transylvania County Board of Commissioners thanks you for the work you have done in formulating proposed Alternatives for your upcoming Nantahala and Pisgah National Forests Plan. Your inclusionary work over the past several years has been exemplary and we are appreciative of the time and energy you have expended in inviting all voices to be heard in the process.

In advance of the close of public comments, our Board asked the Transylvania Natural Resource Council (TNRC) to review the different Alternatives and report back to us with any thoughts, comments, or recommendations they might have.

TNRC spent considerable time obtaining its own information from different organizations, then discussed the various Alternatives and presented the Board of Commissioners with recommendations at our June 8, 2020 meeting.

The Board of Commissioners wishes to thank TNRC for their hard work, especially under the current COVID-19 meeting constraints. We also wish to express our appreciation for the ongoing collaboration with U.S. Forest Service staff members, including Pisgah District Ranger Dave Casey.

In our June 22, 2020 meeting the Transylvania County Board of Commissioners voted to make the following comments.

1. Adopt Old Growth areas identified in maps of Alternative C to provide the most protection for old growth forests. In addition, manage riparian areas and back county areas in alternative B to set aside for future designed inventory old growth areas. Plan Standards and Guides to require the Forest Service to evaluate older forests for their old growth characteristics and protect them when they are found.
2. Consideration of future management actions should place more emphasis on protections for NC Natural Heritage Areas and for Significant Natural Areas identified in the 2008 survey by NC DENR Natural Heritage Program (Ed Schwartzman). No management actions should occur in any Natural Heritage Area except to restore, enhance, preserve, or protect the ecological and heritage qualities for which the areas were recognized.
3. Riparian buffers should conform to the limits applied in other Southern Appalachian National Forests to protect our pristine aquatic environment and water quality (i.e. 100' for perennial streams, 50' for intermittent streams, and 25' for "natural ephemeral streams" consistent with Forest Service delineation, exclusive of ditches and constructed drainage.)
4. Manage at the district level to maximize recreational opportunities by encouraging Forest Service to increase Tier 2 goals for trails and facilities. New trails should be allowed without a cap on total trail mileage if maintenance goals are met at the district level.
5. Emphasize support for Tier 2 Objectives that are well distributed throughout Transylvania County.
6. Matrix and interface areas (as reflected in alternative B or D) should be sufficient to meet the needs of active restoration for forest and wildlife benefits.

Once again, thank you for your work on a complex and challenging project. We look forward to a completed Plan which will serve all stakeholders and ensure the Nantahala and Pisgah National Forests will remain a treasure for our citizens for decades to come.

If you need any further information, or if we may be of assistance in any way, please don't hesitate to contact us.

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

**Commissioner Chappell moved to approve the letter of recommendation to the US Forest Service as submitted, seconded by Commissioner Lemel.** Commissioner Lemel stated the letter represents the work of the TNRC very well. She was pleased with the comprehensive approach that was taken to study the alternatives and provide these recommendations. She suggested changing the salutation to "Members of the Plan Revision Team". By consensus, the Board agreed to changing the salutation. **The motion was approved unanimously.**

## NEW BUSINESS

### TRANSYLVANIA COUNTY FY 2021 BUDGET

The Manager presented the FY 2021 recommended budget to the Board of Commissioners on May 26. The Board held two budget workshops on June 1 and June 4 at which they considered the fire departments' budgets and funding methods and made some slight modifications to the Manager's recommended budget. As required by law, the Board of Commissioners held a public hearing to receive public input during a regular meeting on June 8. NC General Statutes require counties to approve a budget for the ensuing year no later than June 30 of each year. Below are highlights for the FY 2021 Budget proposal which include the changes made during the budget workshops and subsequently presented for the public hearing.

#### *Highlights for FY 21*

- Continues tax increase from FY 20 of 10.5 cents based on voter approval of the \$68 million school construction bond to renovate and expand Rosman High, Rosman Middle and Brevard High Schools for a tax rate of \$0.636/\$100 valuation
- No tax increase is recommended for General Fund functions
- Fire department contract funding will come from a restructured fund balance allocation and will include a ½ cent tax increase in each district
- Reduced capital and vehicle replacements should be revisited when there is available revenue to avoid spiking costs later; recommends future discussion in September and January on this topic; COVID-19 has impacted budget significantly; will not be able to assess impact to sales tax until later in the year
- Total budget of \$61,041,976 is recommended, to include changes made during the budget workshops
- Overall reduction in spending; other budgets held flat, such as education
- Revenue shortfall due to sales tax for FY 20 and FY 21 due to impacts from pandemic
- Recommended budget proposes utilizing future capital funds to meet revenue needs through the immediate term and then return to typical practices
- Budget includes use of \$1.4 million in unassigned fund balance; impact to unassigned fund balance from FY 20 will be unknown until August
- Revisit of budget recommended
  - September, when FY 20 sales tax data will be known
  - January
  - Any juncture where staff becomes aware of significant revenue or operational impacts
- Travel and training policy for this budget year
  - All out-of-state travel using County funds must be pre-approved by the Board of Commissioners; justification required
  - Remote/electronic attendance recommended
- Budget Workshop #1
  - Fire department budgets held flat
  - Exception to Balsam Grove to add personnel for the first time and increases to some operating expense
  - Denied replacement of truck as requested by City of Brevard that would have netted in initial debt payments in FY 22
  - Funded audits globally; staff working to transition this service; more details soon
- Budget Workshop #2
  - Added \$20,000 for Blue Ridge Community College capital planning funds
  - Fire department funding method

- Revenue to come from fund balance after restructuring transfer of tax funds in FY 20
- Raising fire district tax rate to 6 cents netted a funding deficit of \$1.2 million
- School bond project timeline is taking longer than initially expected by schools creating additional receipts of tax funds for the bond payments
- General Fund recommended to decrease spending by 9%; education funded flat; a 9% decrease would be the equivalent of the funds from FY 20 tax increase going to assigned fund balance to bridge revenue loss due to COVID-19; leveraging opportunity from delayed projects to fund budget shortfalls

#### *Revenue Projections*

- Property tax value up almost 2%
- Sales tax growth is expected to decrease by 15%
- Additional Medicaid Hold Harmless decrease of \$200,000
- Revenue impact of COVID-19 will not be clarified until August and affects staffs' ability to accurately estimate fund balance
- \$2 million deficit to be filled by using capital tax funds previously levied

#### *Expenditures*

- Overall decrease in expenditures or holding budgets flat due to pandemic
- Protecting levels of service throughout County government

#### *Fire Department Budgets*

- Each district tax rate set to 6 cents
- \$1.2 million fund balance transfer due to excess revenues in the school bond construction reserves
- Reserves not applied to operational budgets

The Manager recommended approval of the FY 21 Budget Ordinance. She noted that the Budget Ordinance gives policy direction throughout the document and it is important to note those policy components about how to administer the budget. She also noted that the Budget Ordinance also directs the Board of Education to allocate funds by project. While the County did not receive a prioritized list of projects this year, she noted that at any time the Board of Education can submit a change to their project list.

#### **Commissioner Lemel moved to approve the FY 2021 Budget, seconded by Commissioner Guice.**

Commissioner Chappell noted that included with the budget are fees related to services the County provides. He asked if the County's fee schedule is comparable to surrounding counties. The Manager confirmed the County's fees are in line with others. There are some slight increases, but they remain in line with the market. Commissioner Chappell stated he remains concerned about changing the fire tax funding strategy. Next year's Board will have to continue this discussion. There are so many unknowns due to the pandemic, so he stressed that staff and the Board pay close attention to the budget and be ready to make any necessary changes mid-year. With that said, he is supportive of the overall budget. Commissioner Lemel said it was important to be aware that the Board is doing their best to move forward on navigating what would have an untenable tax increase on a substantial number of citizens. She acknowledged there is no easy solution and the challenge is to determine how to move forward and fund this essential service to citizens. She looked forward to continuing to work on this and finding the best and most equitable way of funding the fire departments. Commissioner Guice concurred that the challenge before the County is great. The unknowns make it difficult to make the best decisions. No one has had to face a budget cycle in such unprecedented times, and the future remains unknown. Counties are

being asked to make difficult decisions on a subject matter that has affected everyone's daily lives across the nation. Commissioner Guice was optimistic that the County would survive this by being flexible and prepared to make changes when they need to occur. Yet, he acknowledged there will be challenging days ahead. Commissioner Dalton said while he understands there are challenges ahead, he also saw opportunities to do some great things, particularly with expanding the manufacturing base. Chairman Hawkins pointed out that no County Commissioner is ever completely satisfied with a budget. That is the nature of a collaborative process. Budgets are not math problems; they are policy statements that indicate what is important to a community. Chairman Hawkins stated that this budget shows that the Board and staff take fiduciary responsibility very seriously by pausing on capital and human resource investment until the financial landscape can be better understood. There is no general fund tax increase and a far smaller fire tax burden than the previous structure. He acknowledged that some of the fixes the Board is using to balance the budget are of a one-time nature. Taking capital funding to manage operational shortfalls is not ideal and should be a last resort. He said he would not agree to the same approach next year. Chairman Hawkins stressed that Transylvania County has not closed its doors. In the past, and what in retrospect was a mistake, the Board did not make investments in tough financial times and thus Transylvania County has fallen behind in some areas. This budget does not reflect those actions which is a credit to staff. That said, this budget also highlights certain limitations on the Board's ability to do certain things. Staff has been creative in their approach to tackling some issues, such as the Get Set Collective Model Initiative. Chairman Hawkins stated this budget reaffirms the Board's commitment to Transylvania County Schools. He mentioned that, as one of the County's representatives on the School Bond Construction Committee, there remain unanswered questions to address before the Board will be able to sell the bond. Chairman Hawkins also stated he was happy with the progress the Board has made over the past year with the fire departments' budgets. He thanked Commissioner Lemel and staff who spearheaded the public input sessions at the various community centers. The funding mechanism still needs to be finalized, but he was not comfortable with the increase that would have been required to do so this year. He hopes this year will pave the way for a final solution next year. He thanked staff for the work that went into creating a budget in such unprecedented times. Commissioner Lemel added that the fire department budget discussion demonstrates local government at its best in many ways. **The motion was approved.**

#### JUVENILE CRIME PREVENTION COUNCIL MEMBERSHIP CONSOLIDATION

Finance Director Jonathan Griffin presented this item. He serves as staff support to the Juvenile Crime Prevention Council. The Juvenile Crime Prevention Council (JCPC), as a policy tool, is intended to be a partnership between various groups within a County that would have an interest in reducing juvenile crime and recidivism. The specific responsibilities of the JCPC are set out in NC General Statute §143B-851.

The NC Department of Public Safety partners with this local board, appointed by County Commissioners, and provides funding to organizations that have been vetted by the local JCPC to meet the needs of juveniles who have or might be exposed to the court system.

JCPCs are empowered specifically to evaluate needs in conjunction with the Court system, meet and allocate funds, and then mid-way through the year, conduct local monitoring visits with funded programs to ensure compliance. Importantly, the JCPC does not directly interact with the juveniles – the primary interaction of JCPC membership is with organizations providing services.

JCPC's membership is laid out in the statutes. Under NC General Statute § 143B-846, a JCPC has the following membership restrictions:

1. It "shall consist of not more than 26 members"

2. It should “include, if possible, the following positions” a list that includes following options: the Chief Court Counselor or their designee, a local Chief of Police or their designee, a County Commissioner, a County Manager or their designee, a District Attorney or their Designee, a Social Services Director or their designee, a Health Director or their designee, a Local School Superintendent or their designee, a Member of the Business of Community, a Member of the Faith Community, a Mental Health Director or their designee, a Juvenile Defense Attorney, a staff person from the Parks and Recreation department in a community, the Sheriff or their designee, two students (school-aged individuals), a substance abuse professional, a District Court Judge and a representative from the local United Way or their designee.

The JCPC has struggled over the last three years to maintain membership and meet the requirements of a quorum to undertake its business. It meets monthly at 8:00 a.m. at the Morris Education Center belonging to Transylvania County Schools, but has often had to adjourn meetings to allow for electronic e-mail voting to reach quorum votes on matters of its business (four times out of eight meetings this year.) Many of the challenges relate to the following factors:

1. Applicants to JCPC board positions do not fully understand the role of the JCPC, and that it does not have a direct role in administering services or providing assistance to juveniles in the court system, rather than the statutory role which is to support nonprofits that do this work.
2. Persistent absenteeism, which would constitute nonfeasance under NC General Statute § 143B-848, a legally valid for removing individuals from membership
3. The impression that the JCPC is a program of Transylvania County Schools, or a program which is specifically focused on students. The student positions have had trouble being filled, but in the past year have most often been filled and then become vacant the following semester as the student’s schedule has changed.
4. Lack of involvement from the North Carolina judicial system – the JCPC statutes outline at least four positions which should be occupied by judges, prosecutors, attorneys – one seat for a District Attorney, one seat for a defense attorney, one seat for a District Court Judge and the Chief Court Counselor. In Transylvania, the only seat that has been routinely filled by someone in that role is the Chief Court Counselor. This is likely because Transylvania is not the primary location for the operations of District 29B, with most of these individuals having their primary work location in Hendersonville.

The Board should also consider that Transylvania County, in trying to align its JCPC with all suggestions outlined in the General Statutes, is going above and beyond what other counties have done, and there is limited value in doing so. The following table outlines the number of seats apportioned to JCPC by neighboring/nearby counties during fiscal 2019 (NCDPS publishes this list based on annual reporting):

Haywood	23
Jackson	19
Macon	21
Henderson	25
Buncombe	24
Madison	21

Transylvania’s new 19 positions would put it on the lower end of this range, but it would be put it closer to the average than it currently is, where we try to apportion JCPC seats more consistent with larger/urban counties than smaller ones.

The following are recommendations for consolidation/elimination:

1. Allow the terms to expire for the following members for nonfeasance (failure to attend meetings and participate in the business of the Juvenile Crime Prevention Council). Their terms expire June 30, 2020.
  - a. Rhodney Norman – Commissioner Appointee
  - b. Julia Smith – Commissioner Appointee
2. Amend the Membership of the JCPC by eliminating and consolidating the following positions:
  - a. Merge *Local Chief of Police or Designee* and *Local Sheriff or Designee* positions to create a **Local Law Enforcement** seat. This should ease participation issues and still provide a law enforcement perspective. Greg Stroup, who is the designee of Sheriff Mahoney, would be appointed to this position. (Mr. Stroup’s term does not expire until June 2021. This action would remove Ronnie Bickford as Chief of Police Designee at the end of his term on June 30, 2020.)
  - b. Merge *Health Director or Designee, Social Services Director or Designee* and *Substance Abuse Professional* positions into a **County Health and Human Services position** to be filled by Kristen Gentry, who works for Transylvania County Public Health and serves the CARE Coalition and currently occupies the Substance Abuse Professional position. Eliminating the need for both a Health Director and Social Services Director to serve on JCPC is very common across the state, across several different structures of Health and Social service departments. (Ms. Gentry’s term does not expire until June 2021. This action would remove April Owenby as Health Department Designee at the end of her term on June 30, 2020, as well as DSS Director Darrell Renfroe.
  - c. Merge the positions of *District Attorney or Designee, District Court Judge or Designee, Juvenile Defense Attorney* into a single **Judicial System Representative or At-Large Seat**. This should ease participation issues and still provide an opportunity for participation from the Judicial system, should someone express interest. The District Court Judge or Designee position is currently designated a “member at large” seat and is occupied by Dr. Brian Weaver, Assistant Superintendent of Transylvania County Schools. Staff would recommend appointment of Dr. Weaver to a different County Commissioner appointee slot. (Julia Smith or Rhodney Norman vacating on 6/30). The Juvenile Defense Attorney position is currently designated “member at large” and is occupied by Susan Huter on behalf of the Children’s Center. Staff would recommend appointment of Ms. Huter to a different County Commissioner appointee slot. (Julia Smith or Rhodney Norman vacating on 6/30)
  - d. Merge the positions of *Member of the Faith Community* and *United Way* into a **Nonprofit or Faith Community Affiliated Appointee** position. Many of the County’s nonprofit agencies have religious affiliations so merging the two positions would allow the County to easily navigate finding an appropriate appointment. Jim Felty currently serves as the appointee for the Member of the Faith Community and would continue in this role.
  - e. Eliminate one of the **Individual under the Age of 18** positions. The Finance Director has reviewed other counties, and it is very common to reduce the number of these seats below the number suggested by statute.

Staff intends to place the appointments on the agenda for the first meeting in July. This consolidation or elimination of these positions would reduce the overall size of the Juvenile Crime Prevention Council from 26 seats to 19, which would be more consistent with the attendance which averaged 12 over the last two years.

The recommendation is to consolidate or eliminate the positions as recommended thereby reducing the size of the Juvenile Crime Prevention Council from 26 seats to 19 and to consider the appointments at the next meeting.

The makeup of the Juvenile Crime Prevention Council would be:

1. Chief Court Counselor or Designee – Adrienne Becton-Marsh
2. County Commissioner – David Guice
3. County Commissioner Appointees (7)
  - a. Dr. Brian Weaver
  - b. Jerry Stone
  - c. Ricky Lambert
  - d. Jeffrey Patterson
  - e. Susan Huter
  - f. Andrea Muirhead
  - g. Vacant
4. County Manager or Designee – Jonathan Griffin
5. County Health and Human Services – Kristen Gentry
6. Local School Superintendent of Designee – Alan Justice
7. Member of Business – Vacant
8. Member of Faith Community/Nonprofit – Jim Felty
9. Mental Health or Designee – Sarah Hatch
10. Parks and Recreation – Chase Lance
11. Local Law Enforcement – Greg Stroup
12. Student/Individual Under the Age of 18 - Vacant
13. Judicial System Representative - Vacant

Commissioners commended Mr. Griffin for his tremendous work and recommendations.

**Commissioner Lemel moved to consolidate or eliminate the positions as recommended thereby reducing the size of the JCPC from 26 to 19, seconded by Commissioner Guice.** Commissioner Guice suggested that a time and location change might also increase attendance at the JCPC meetings. Mr. Griffin said the membership discussed the same at its most recent meeting. **The motion was unanimously approved.**

#### FIRE DEPARTMENT AUDITS

Assistant County Manager David McNeill presented this item. During the FY21 budget process, the Board of Commissioners authorized staff to issue an RFP for fire and rescue department audits. The issuance of an RFP to pool audits may provide cost savings and ensure that these departments all have access to the same level of high-quality services. While working with the fire and rescue departments, staff recognized that some departments have engaged an auditing firm to complete their FY 20 audit. Three departments have engaged a firm to complete a multi-year audit for FY 19 and FY 20. It was also confirmed that the funding requested in the FY 21 budgets were designated by departments to cover the cost of the FY 20 audit.

Given the fact that some departments have engaged a firm for the FY 20 audit, staff suggested all departments continue the current auditing process for FY 20 and have the auditing firm invoice Transylvania County for the cost. The estimated cost is based on information presented by each department which totals across all departments almost \$55,000. The Board of Commissioners can authorize payment of the FY 20 audits from individual fire district reserve accounts or from the general fund.

Staff prepared a draft letter from the Board of Commissioners outlining the FY 20, FY 21, and subsequent year audit process. This includes the issuance of an RFP to select an auditing firm beginning in FY 21 and the expectations of each fire or rescue department to facilitate the audit process.

Commissioner Lemel recalled Terry Crowe's comments earlier that the audit and tax return appearing to be a package deal. She asked if that changes what the County will be asked to do and whether the RFP will include the audit only or both the audit and tax returns. Mr. McNeill explained that the audit process will include some of the necessary documents required for their tax returns. He asked Finance Director Jonathan Griffin to elaborate. Mr. Griffin reported that most of the departments are already using their auditor to conduct their tax returns, so the draft RFP included this service as a bid alternate to solicit pricing on the full service. It is very important the agencies maintain their nonprofit status, so they need to ensure they are filing the appropriate forms.

After some clarification from Mr. McNeill, **Commissioner Lemel moved for the fire departments to continue their current engagement with their auditor to conduct the FY 20 audit and for the departments to invoice the County to pay for their FY 20 audits, seconded by Commissioner Guice and unanimously approved.**

The Manager reminded the Board they have already allocated \$50,000 to fund the audits. Staff will be issuing RFPs for FY 21.

**Commissioner Chappell moved that the payments for the FY 20 audits come from the general fund, seconded by Commissioner Guice and unanimously approved.**

As an operational part of the motion, staff will send out a letter to the fire departments detailing this process. A draft letter was included in the Board's packet for their review. Commissioners were agreeable to staff sending the letter.

#### MANAGER'S REPORT

The Manager reported the following:

- The site work for the new fitness course funded in partnership with Jameson's Joy is underway; new pickleball courts are almost complete
- Federal Reserve is projecting interest rate hikes to be no sooner than late 2021; gives an 18-month window where rate increase concerns on projects can be abated
- Treasury guidance that 45% of CARE funds should go to local government in each state; so far 8% has been allocated between the CARE distribution and the set aside at state level; NCACC advocating on behalf of counties
- Received supply orders for Town of Rosman and City of Brevard and will be distributed this week to assist with COVID expenditures; includes hand sanitizer stations and additional supplies
- Cedar Mountain Small Area Plan Committee meets tomorrow night to review a survey that will be available this summer; Planning and Community Development will send postcards with the link to all property owners in the planning boundary
- Congratulations to Finance Director Jonathan Griffin for completing all coursework and exams as of May to receive his Finance Office Certification from the NC Government Finance Officers Association and will receive his certificate next Spring at Annual Conference

Commissioner Guice referred to an email sent to Commissioners from the Manager today concerning the dog park entrance easement and that closest parking will be on the County's property near the Jameson's Joy Fitness Course. He asked for clarification on this issue and how it might impact the various programs

at Parks and Recreation. He was also concerned about the comingling of people and dogs and the potential for liability. The Manager explained that staff is still gathering information at this point. The dog park shares a boundary with County property. There is no additional parking anticipated so it is likely people will be parking on County property. There is some concern about having adequate parking to accommodate traffic for both the Fitness Course and dog park users simultaneously. The Manager shared that staff is working on a partnership with the City to facilitate better drainage at the park. The City intends to take management of the dog park, which will include cleaning and animal control. The dog park is anticipated to be completely fenced in and designed to prevent runaways. Outside of the fence, all dogs should be leashed. She agreed to provide the Board with an aerial photo to show how all the facilities there will work in tandem. The Manager stated she and staff remain in contact with City staff and will continue to inform the Board of the outcomes. She anticipated a possible agenda item at the next meeting.

### PUBLIC COMMENT

Larry Chapman: Mr. Chapman thanked the Board for building the pickleball courts.

### COMMISSIONERS' COMMENTS

Commissioner Lemel made note of NCCARE 360, a program started by the State to join entrance points, like physicians and social services agencies, and connecting them with nonprofits that can help citizens. It is a thoughtful and amazing program, especially during the current pandemic. Results across the State have been profound. Work is underway in Transylvania County to encourage agencies to sign up for this program.

Commissioner Chappell expressed appreciation for law enforcement in Transylvania County and their leadership. He stated the County is blessed to have outstanding individuals protecting citizens daily. With all the turmoil going on in the world today, he wanted to publicly thank all law enforcement officers, and especially Sheriff David Mahoney. He shared that Sheriff Mahoney will soon be sworn in as the President of the NC Sheriff's Association which is an outstanding accomplishment.

Chairman Hawkins inquired about where Transylvania County ranks in the State on census response. He noted that the importance of completing the census cannot be overemphasized. The Manager stated as of last week Transylvania County ranked 77<sup>th</sup> out of 100 counties which is low. The County has been pushing out messaging to encourage citizens to complete the census. Commissioner Chappell piggybacked on these comments, reporting that a recent call to the State revealed that Transylvania County stands to experience a potential loss of revenue ranging from \$250,000 to \$500,000. Commissioner Lemel added that these are tax dollars paid to the federal government by Transylvanians and if we do not claim them, other states will benefit from our tax dollars.

Commissioner Guice stated in the near future it will be important to evaluate processes, like the census and voting, for the sake of efficiency and ensuing maximum participation because the same processes are not working well for the people anymore.

### ADJOURNMENT

There being no further business to come before the Board, **Commissioner Guice moved to adjourn the meeting at 7:50 p.m., seconded by Commissioner Lemel 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