

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**March 28, 2022 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in a regular session on Monday, March 28, 2022, at 6:00 p.m. in the Multipurpose Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

Commissioners present were Larry Chapman, Chairman Jason Chappell, Vice-Chairman Jake Dalton, David Guice, and Teresa McCall. Also present were County Manager Jaime Laughter and Clerk to the Board Trisha Hogan. County Attorney Bill Bulfer participated remotely via Zoom meeting software.

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

There were approximately 50 people in attendance.

**CALL TO ORDER**

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 6:01 p.m.

**WELCOME**

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

**PUBLIC COMMENT**

*The comments made by the public represent the individual speaker's opinion or point of view. The Clerk to the Board did not attempt to vet their statements for accuracy or modify them based on facts.*

Alice Wellborn: Ms. Wellborn addressed the Board regarding the school bond projects and stressed that the School Board has control over the bond projects, not the Commissioners. The Commissioners are responsible for approving the contracts to ensure the financial terms of the contracts can be met. Ms. Wellborn stated that the School Board had to modify the existing plans due to economic reasons and has agreed to an alternative plan considered as Option 1. She said the Board of Commissioners continues to delay the approval of those contracts which has created mistrust between the two Boards. She stated there is no credible reason for the Board of Commissioners' failure to approve the contracts and she questioned their motives. She accused the Board of allowing their personal preferences and political motives to nullify the referendum and of acting in bad faith towards the children and the School Board.

Paul Cooper: Mr. Cooper is a candidate for the Board of Education. He accused the Board of Commissioners of delaying the bond projects and reminded the Commissioners that the School Board has control over these projects. He cited their reasons for the delay being rising costs and pointed out there is no evidence that prices will be going down, especially now with the feds' plans to combat inflation by raising interest rates. Mr. Cooper questioned the Board's motives and asked if the Board intended to return tax money to the citizens if they fail to move forward with the bond projects. Mr. Cooper asked the Board to vote for approval of the architectural and construction contracts so the Board of Education can begin on these projects.

Craig Wilson: Mr. Wilson shared that he emailed each of the Commissioners asking for their support of the City's USDOT RAISE grant application for funding the Ecusta Trail. In that email, he attempted to make some points about what the County's future obligations might be if the Board chose to participate in providing the maintenance or security. He suggested having an entry-level officer patrol the trail on a bike or partnering with Blue Ridge Community College to utilize a student in their law enforcement program, both at a minimal cost. He said many groups – Friends of the Ecusta Trail, various bicycle clubs, and the Sheriff's Office (using inmates) – could handle the maintenance, upkeep, and trash collection. Mr. Wilson also offered suggestions to control access on and off the trail to ensure property rights are being protected. He was confident the trail designers would take these features into account. He hoped the Board would support these measures.

Ed Winstead: Mr. Winstead lives on Hannah Ford Road and addressed Commissioners regarding the NCDOT bridge replacement/widening project on Green Road. Although Commissioners have no authority over roads, he shared that many citizens are unhappy with the project and are seeking the County's assistance. He shared that the plans include building a dike that will cause rainwater/floodwater to back up into farmers' fields on Hannah Ford. Another issue is that the design of the bridge includes using footings in the river which will cause trash to collect around them. He said he was told the contracts for the project have been let and there is nothing more anyone can do to change the project. Mr. Winstead pleaded with the Board to use any influence they have to ask the NCDOT to reconsider the plans because the current design will cause long-term damage to the people living and traveling in that area.

Kathleen Barnes: Ms. Barnes addressed the Board regarding the school bond projects. She reminded Commissioners that voters enthusiastically supported the \$68 million bond issue more than three years ago out of concern for the children who attended classes in decrepit buildings. The Commissioners then instituted a 10-cent tax increase with nothing to show for it. Ms. Barnes acknowledged that the pandemic and supply chain issues caused the project cost to rise dramatically which she felt the School Board managed admirably. She stated the Board of Commissioners has failed to do their legal duty to approve the contracts so the School Board can implement the work. She did not understand why taxpayers must pay higher taxes while the Board continues to delay the projects. Ms. Barnes implored the Board to take action as soon as possible.

### AGENDA MODIFICATIONS

The Manager requested to add to the Consent Agenda a request by the Department of Social Services to close offices for training. There were no other agenda modifications.

**Commissioner McCall moved to approve the revised agenda, seconded by Commissioner Chapman, and unanimously approved.**

### CONSENT AGENDA

**Commissioner Guice moved to approve the Consent Agenda as presented, seconded by Commissioner Chapman, and unanimously approved.**

The following items were approved:

#### DISCOVERY, RELEASE, AND MONTHLY SETTLEMENT REPORT

Per N.C.G.S. §105-312 (b), the Tax Administrator must 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 N.C.G.S. § 105-381 (b), the Tax Administrator must 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 February 2020, tax dollars released totaled \$2,925.27, and refunds issued amounted to \$ 924.77. The Board approved the Discovery, Release, and Monthly Settlement Report for February 2022 as presented.

**PROCLAMATION – MONTH OF THE YOUNG CHILD AND CHILD ABUSE PREVENTION MONTH**

Smart Start of Transylvania County requested the Board of Commissioners to proclaim the month of April 2022 as the Month of the Young Child and Child Abuse Prevention Month. The purpose of the proclamation is to focus public attention on the needs of young children and their families, to recognize the early childcare programs and services that meet those needs, and to call upon support for early childhood programs and the prevention of child abuse in our community. Commissioner McCall read aloud the proclamation for the benefit of the public. The Board approved the proclamation for the Month of the Young Child and Child Abuse Prevention Month.

**Proclamation #08-2022  
Month of the Young Child & Child Abuse  
Prevention Month**

**Whereas**, the youth-serving agencies of Transylvania County come together to celebrate The Month of the Young Child during April 2022 to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs; and

**Whereas**, children’s cognitive, physical, social and emotional, and language and literacy development are built on a foundation of children’s positive, safe, and nurturing interactions with adults, peers, and their environment; and

**Whereas**, youth-serving agencies of Transylvania County are collaborating to establish a county-wide plan to prevent child abuse in our community and raise awareness about prevention measures; and

**Whereas**, we work to improve opportunities for our children knowing they are vital to our state’s future success, prosperity, and quality of life as well as being our most vulnerable assets; and

**Whereas**, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development; and

**Whereas**, child abuse and neglect are a community responsibility affecting both the current and future quality of life of a community; and

**Whereas**, the youth-serving agencies of Transylvania County commit to investments that stabilize, sustain, and support childcare and early learning so our community may continue to support children, families, and our economy through the ongoing pandemic crisis, recovery, and beyond; and

**Whereas**, communities that provide parents with the social support, knowledge of parenting and child development, and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

**Whereas**, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

**Therefore**, the Board of Commissioners of Transylvania County does hereby proclaim April as The Month of the Young Child and Child Abuse Prevention Month and calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders, and businesses to increase their participation in our efforts to support families, thereby supporting early childhood programs and preventing child abuse and strengthening the communities in which we live.

This the 28<sup>th</sup> day of March 2022.

S//:Jason R. Chappell, Chairman  
Transylvania County Board of Commissioners

PROCLAMATION – NATIONAL PUBLIC HEALTH WEEK

Public Health’s top priority is making communities safe and healthy. COVID-19 has made that even more critical. In the most challenging public health crisis of our lifetimes, it is more important than ever to celebrate public health. The Board of Commissioners thanked the Transylvania County Public Health Department for the hard work they are doing to keep our community safe. Commissioner Guice read aloud the proclamation for the benefit of the public. The Board approved the proclamation for National Public Health Week.

**Proclamation #09-2022  
National Public Health Week**

**WHEREAS**, the week of April 4-10, 2022, is National Public Health Week, and the theme is “Public Health is Where You Are;” and

**WHEREAS**, the Transylvania County Public Health Department has provided immeasurable contributions to enhancing the quality of life for our residents, especially during the challenge of the coronavirus pandemic through testing, tracing, health education, and vaccination; and

**WHEREAS**, Transylvania Public Health programs have evolved over many years from a focus on sanitation and controlling the spread of infectious diseases to now also preventing the onset of chronic diseases; and

**WHEREAS**, Transylvania Public Health professionals help communities prevent, prepare for, withstand and recover from the impact of a full range of health threats, including disease outbreaks such as the COVID-19 pandemic, measles, natural disasters, and disasters caused by human activity; and

**WHEREAS**, Transylvania Public Health promotes improved lifestyles by providing services and supporting policies to help young people stay well and develop into healthy adults; and

**WHEREAS**, Transylvania Public Health is a critical collaborative partner in the community to respond to emergencies; and

**WHEREAS**, the significant increase in life expectancy is widely credited to improvements in public health programs; and

**NOW, THEREFORE, BE IT RESOLVED** that the Transylvania County Board of Commissioners does hereby proclaim the week of April 4-10, 2022, as **PUBLIC HEALTH WEEK** in honor of the men and women who work tirelessly to keep our community safe and healthy.

**BE IT FURTHER RESOLVED** that the Transylvania County Board of Commissioners encourages all citizens of Transylvania County to take steps to protect and promote the health and wellbeing of their families by making healthy personal lifestyle choices and seeking regular preventive health care.

This the 28<sup>th</sup> day of March 2022.

S://Jason R. Chappell  
Chairman, Transylvania County Board of Commissioners

PROCLAMATION – NATIONAL SAFETY TELECOMMUNICATORS WEEK

April 10-16, 2022 is recognized as National Public Safety Telecommunications Week to honor the thousands of men and women who respond to emergency calls, dispatch professionals and equipment, and render life-saving assistance to the citizens of the United States. The Board of Commissioners is very proud of all the Transylvania County 911 Communications Center's Tele-communicators and the vital service they provide to the citizens of Transylvania County and their fellow emergency services comrades. Commissioner Chapman read aloud the proclamation for the benefit of the public. The Board approved the proclamation for National Public Safety Telecommunicators Week.

**Proclamation 10-2022  
National Public Safety Telecommunicators Week  
April 10-16, 2022**

**Whereas**, emergencies can occur at any time that requires police, fire, or emergency medical services; and

**Whereas**, when an emergency occurs the prompt response of police and law enforcement officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

**Whereas**, the safety of our police and law enforcement officers, firefighters, and paramedics is dependent upon the quality and accuracy of information obtained from citizens who telephone the Transylvania County 911 communications center; and

**Whereas**, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

**Whereas**, Public Safety Telecommunicators are the single vital link for our police and law enforcement officers, firefighters, and paramedics by monitoring their activities by radio, providing them information and ensuring their safety; and

**Whereas**, Transylvania County's Public Safety Telecommunicators have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

**Whereas**, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year;

**Therefore, Be It Resolved that** the Transylvania County Board of Commissioners declares the week of April 10 through 16, 2022, to be National Public Safety Telecommunicators Week in Transylvania County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

This the 28<sup>th</sup> day of March 2022.

S://Jason R. Chappell  
Chairman, Transylvania County Board of Commissioners

#### AUDIT CONTRACT EXTENSION

A delay occurred in the audit process both on the part of the County and the audit firm due to time consumption, ever-increasing requirements, and complications with State and federal compliance. The audit firm was required to review a significantly higher number of programs than any other prior year. The Local Government Commission required approval of all audit contracts which must include the due date. Staff recommended the Board approve an amended contract with Martin Starnes and Associates with a due date of April 15, 2022. The Board approved the amended contract as requested.

#### CLOSE DSS OFFICES FOR TRAINING

The Department of Social Services requested to close its offices on April 22 from 1:00 p.m. to 5:00 p.m. for training and staff development activities. Staff will be on call to handle any emergencies. The Board approved the request to close offices and directed staff to post a notice for the public.

### **PRESENTATIONS/RECOGNITIONS**

#### BLUE RIDGE COMMUNITY COLLEGE ANNUAL REPORT

Dr. Laura Leatherwood, President of Blue Ridge Community College, presented the College's annual report to the Board of Commissioners. She thanked the Board for their support of the Community College. She introduced members of the College's Board of Trustees in attendance – Mark Isabelli and Duke Woodhull – who represent Transylvania County.

This is a summary of Dr. Leatherwood's presentation:

#### **Enrollment**

Dr. Leatherwood reported on the College's fall-to-fall curriculum for their degree programs. Enrollment as a whole has been on an upward trajectory for the last five years.

The College has a wonderful partnership with Transylvania County Schools and is intentionally growing the dual enrollment in their career and college programs with high school students so that they can graduate with college credit. This is important because it helps to create and develop a workforce pipeline to fill jobs in the community and region. The College has hired a career coach to serve the high schools in Transylvania County.

#### **Engaging Adults Initiative**

Dr. Leatherwood stated that, according to the census, there are not enough coming out of high school to fill the workforce pipeline. The College was selected as one of five colleges to pilot an engaging adults initiative for the western part of the State. The initiative focused on individuals between the ages of 25 and 44 who were enrolled previously but did not receive their credentials. The College identified over 2,500 individuals that fit the description. The College's goal was to reengage and reconnect with those individuals to get them back into the college and provide them with the training and skills to fill jobs in the workforce. Dr. Leatherwood reported that 60-70% of jobs require some level of post-secondary credential. This initiative accounted for 32.5% of the College's total enrollment for the fall of 2021, an increase of 41% over 2020.

#### **Free College**

Dr. Leatherwood noted that adults have many responsibilities, and understandably would want to know how long a program will take to complete and how much a program will cost before considering enrollment. If there is no financial packet to offer, many adults will not reengage. As a result, the College

reviewed several different sources of revenue, including Pell, State and foundation grants, and monies from the federal government, and then analyzed whether the College had enough funds combined to meet the tuition needs of every student. Their analysis indicated there were funds available to pay tuition for students regardless of the degree program, and also helped with personal expenses to ensure students' education was not interrupted by life experiences. So far, the College has helped over 1,000 students through the scholarship program. To continue the program moving forward, the College secured an anonymous gift of \$2 million to continue through December 2023.

### **Workforce Development**

Dr. Leatherwood felt it was important for the Board to know that the College is engaged with employers and is responsive to their needs. The needs of the workforce help determine the College's programs. They determine this by reviewing the comprehensive plans that both counties develop and looking at clusters identified by the economic development partners.

### **Small Business Center**

Small businesses are a big part of Transylvania County's economy which makes the College's Business Center very active. The College served a range of companies over the last few years, from automotive to manufacturing to brewing.

### **Expansion of Healthcare Programs**

The College serves three hospitals – Mission, AdventHealth, and Pardee – and many of their healthcare workers will come from Transylvania County. The hospitals are desperate for nurses. The College recently approved adding 20 additional nursing slots to its program, expanding from 54 to 74. At any given point, the College has 148 nurses in its program.

The Transylvania County campus offers programs in this field, including Medical Assistance, Medication Aide, and Nurse Aide I & II. For the fall of 2023, the College intends to start a respiratory therapy program at the Transylvania County campus given that many people suffered from lung damage caused by the COVID-19 pandemic.

### **Special Appropriations and Grants**

As the advocate and lobbyist for Blue Ridge Community College, Dr. Leatherwood worked with our state legislators to secure special appropriations in the State budget, including \$250,000 for equipment for the Public Safety Training Center and \$300,000 in startup funds for skilled trades, like construction, electrical, plumbing, HVAC and masonry. These programs will begin at the Henderson County campus because there is no capacity for new programs on the Transylvania County campus.

### **Community Support**

Blue Ridge Community College is very involved in the community. A few examples include the College's sponsoring of the Brevard Christmas parade, volunteering at Blue Ridge Health's vaccine clinic, hosting blood drives, hosting voter registration drives, and participating in a food drive for the Hunger Coalition of Transylvania County.

### **FY 2022-23 Budget Request**

Blue Ridge Community College is seeking \$337,640 in budget requests for capital improvements and \$607,680 in operating funds for FY 2022-23.

### **Master Facilities Plan**

Dr. Leatherwood explained that it is her job to position the College for long-term service to this County. The current facility was built in 1951 and previously served as an elementary school. For the Transylvania County campus to keep its designated campus status, it must reach and maintain over 300

full-time equivalents or students (FTEs). The campus designation allows the College to receive funding for seven positions to staff the campus and the ability to offer degree programs. If the College is unable to attract students and falls below the 300 FTE threshold, it could lose the designation and the corresponding funding which would have a devastating impact on this community. Unfortunately, last year the enrollment dropped below 300 to 285 partly due to the pandemic, but also due to their inability to provide new programs for lack of space.

Last year, she presented the Board with the College's long-range plan. She stated that College's future in Transylvania County is fragile, and without having appropriate facilities, their growth has been stymied which will impact their ability to attract and retain new industries in Transylvania County.

Dr. Leatherwood stated that having a state-of-the art facility will help the College recruit students to reach its 300 FTE goal and provides the ability to add programs. She pointed out the County is upgrading two high schools that will have better technology than the College once built. The College and its leaders feel that now is the time to begin moving forward on a new campus for Blue Ridge Community College at a separate location, especially now in this economy with its workforce needs. Their facilities need to align with the economic clusters that the Transylvania Economic Alliance is marketing and promoting and are imperative to the economic viability of the community. Without additional space, this cannot be done. Dr. Leatherwood, on behalf of the College's Board of Trustees, requested the Board of Commissioners consider finding a new location and allocating the funding to address the significant needs of the College.

This concluded the formal presentation. Chairman Chappell called for comments and questions from Commissioners.

Commissioner Chapman asked how the College collaborates with the two high schools on their CTE Program. He mentioned that the School System has eliminated improvements to the CTE program in its current iteration of the bond projects and asked if the College saw this as a detriment to the program. Glenda McCarson, Associate President of the Transylvania County Campus responded. She reported that the College is currently teaching welding classes at both Brevard and Rosman High Schools which allows students taking this course to receive both high school and college credits. The College offers automotive classes on its campus. High school students must travel to the College for this half-day course. Students from Brevard, Rosman, and Davidson River participate in these classes. The College works closely with Transylvania County Schools to help meet their and their students' needs.

Commissioner Guice commented that CTE is not the only dual enrollment program offered by the College which is very important. He was amazed at how the College has impacted and affected young people's lives, as well as the community, and the exceptional work the staff is doing to make a difference in the County and region.

Commissioner Guice also commented that the expansion project consisting of a 78,000 sq. ft. building at the College's Henderson County campus will address several needs. He pointed out that the Henderson County Board of Commissioners saw this as a need and stepped up to provide the funding. This caused him to think about how Transylvania County and what this Board needs to do to prepare for the future. He encouraged the Board of Commissioners to begin that planning process now. Commissioner Guice commended Dr. Leatherwood for the exceptional job she does leading Blue Ridge Community College.

Dr. Leatherwood spoke on the issue of dual enrollment and commented that access is a challenge for many students, especially in rural areas. If students begin their post-secondary education with Blue Ridge Community College, they can transfer to a four-year university debt free. Furthermore, the College can enroll students in its career and technical programs and then connect them with local companies, which is the beauty of having community colleges embedded in local communities. To keep people here, they need

well-paying jobs so they can support themselves and their families and have a bright future in this beautiful area that we live in.

Dr. Leatherwood thanked the Board for allowing her to present and for their comments. She again requested the Board begin working toward a plan for Blue Ridge Community College.

Chairman Chappell stated that this Board has briefly discussed establishing a committee to determine how best to meet the College's needs. The Board intends to discuss it further at a future meeting.

### SALES TAX PRESENTATION

Finance Director Jonathan Griffin presented this item. He reported that during a recent meeting of the Board, a question was posed about the North Carolina sales tax and how it helps to pay for school capital needs. He was asked at that time to make a presentation explaining the process and details.

### **Responsibilities of Counties**

The responsibilities of counties fall under four basic statutes:

- N.C.G.S. § 115C-408 “It is the policy of the State of North Carolina that the facilities requirements for a public education system will be met by county governments.”
- N.C.G.S. § 115C-429: County Commissioners may, at their discretion, allocate resources to a board of education by purpose, function, or project.
- N.C.G.S. §115C-521 “The building of all new school buildings and the repairing of all old school buildings shall be under the control and direction of, and by contract with, the board of education for which the building and repairing are done.”
- N.C.G.S. § 159-48(c)(4) – “Each county may borrow money and issue bonds ... for ... providing school facilities.”

### **Budget Process**

The Board of Education communicates its facility needs to the County Commissioners during the annual budget process. The County Commissioners then make decisions as they are authorized under the statute. The budget process is legally binding. The courts have held that the board(s) can only be held accountable for items discussed and transmitted during the budget process. In other words, if the Board of Education does not ask the Board of Commissioners for something during the budget process, based on the court case *The Union County Board of Education v. The Union County Board of Commissioners*, the Board of Education did not ask. The budget process is the time for the Board of Education to communicate its needs.

### **Capital Requests**

This is a history of the last four years of actual requests the County has received from Transylvania County Schools. Mr. Griffin broke up the requests into types of expenditures. He pointed out that the Board of Education has a lot of responsibility and authority over furniture, fixtures, and equipment. The Board of Commissioners has more authority over construction and renovation.

#### Budget Requests

	2019	2020	2021	2022
<b>Furnitures, Fixtures and Equipment</b>	713,031	877,732	717,222	702,072
<b>Construction/Renovation</b>	463,395	519,415	801,685	799,128
<b>Other Misc Projects (No Detail)</b>	3,837,904	290,000	220,000	220,000
<b>Prior Funded Projects</b>	-	144,029	-	-
<b>Vehicles</b>	-	165,000	167,000	226,023
<b>Architect/Design</b>	490,000	-	-	-
	\$ 5,504,330.00	\$ 1,996,176	\$ 1,905,907	\$ 1,947,223

Mr. Griffin shared that the County has received some requests with no detail or less detail than expected which makes it difficult for the County Commissioners to exercise their right to allocate funds for the project. While vehicles are listed as capital, the responsibility for vehicles resides with the Board of Education.

These are the totals that tie back to the Board of Education's budget requests. Beginning in FY 2020, the County implemented a new process for larger-scale projects whereby the County requests the contract and purchase order along with documentation that indicates whether the project has started or is ongoing, then the County refunds the School System.

### Project Outlay

Below is a list of projects the County Commissioners have funded using their project allocation authority. For the majority of them, the County staff have not received any type of documentation indicating the status of the project, nor have they received a contract or purchase order. The County is holding the funds in fund balance and is prepared to release the funds as soon as they receive clear guidance from the Board of Education on the status of each.

Fiscal Year	Campus	Project Title	Requested	Appropriated	Reimb	
FY 2020	BMS	Classroom carpet*	116,000	116,000	116,000	-
FY 2020	BMS	Repave upper driveway/parking lot	109,000	109,000	95,367	-
FY 2020	RES	Repave parking and connect emergency entrance	147,000	147,000	92,909	-
FY 2020	BMS	Exterior door replacement (26 @ \$2,500)	65,000	65,000	-	-
FY 2021	BES	Replace Air Handlers 3, 4, 5, 6	140,000	140,000	-	-
FY 2021	BES	Replace Flooring*	103,000	103,000	-	-
FY 2021	BMS	Replace fan coils 1, 2, 3, 4	140,000	140,000	-	-
FY 2021	DRS	Replace boiler #1 and #2, mini-split	60,000	60,000	-	-
FY 2021	RES	Replace air handlers, 11, 12*	70,000	70,000	-	-
FY 2022	BMS	Replace air handlers, boiler	105,000	105,000	-	-
FY 2022	RES	Replace air handlers	105,000	105,000	-	-
FY 2022	TCHES	Replace Chiller	78,000	78,000	-	-
FY 2022	TCHES	Replace air handlers	78,000	78,000	-	-
FY 2022	BES	Replace Flooring	103,000	103,000	-	-
			1,419,000	1,419,000	304,276	1,114,724

### Sales and Use Taxes for School Capital

In North Carolina, county governments are authorized to levy a 2% sales and use tax on retail transactions and certain contract services which are collected by the State Department of Revenue. The tax is levied in three increments:

Article	%
39	1.0%
40	0.50%
42	0.50%

By law, 30% of Article 40 revenues are restricted to public school capital outlay or retiring indebtedness. In FY 21, that equated to \$930,000. For Article 42, 60% of revenues are restricted for the same. In FY 21, that equated to \$1.62 million.

### FY 2021 Sources and Uses (General Fund)

This is an abbreviated version of a report the County filed with the State Treasurer's Office. It shows the revenue the County received that is attributable to the sales tax resources and what was paid out.

<b>FY 2021</b>	
Revenue	\$ 2,543,551
Outlay	\$ -
Regular Outlay	\$ 1,048,886
<b>Project Outlay</b>	<b>\$ 513,000</b>
"Emergency Repairs"	\$ 220,000
Debt	\$ 112,668
	<u>                    </u>
	\$ 648,997

Regular Outlay is considered furniture, fixtures, and equipment. The bigger ticket items fall under Project Outlay. These are the items for which the County Commissioners have asked for documentation. Emergency Repairs is a set aside to deal with issues that arise mid-year. Debt the County has for education expenditures is included here as well. At the end of the fiscal year, there was approximately \$650,000 cash on hand restricted for school capital purposes.

### Revenue and Expenses – Trend

This is the three-year trend of the difference between the disbursements made to the Transylvania County Schools Capital Outlay Fund from the Transylvania County General Fund. The difference in sales revenues and expenditures is reported annually to the State via the Joint State Report on School Capital Outlay.

#### Sales Tax Cash Flow vs Transylvania County Schools Appropriations

	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Revenue	\$ 1,951,243	\$ 1,960,789	\$ 2,543,551
Outlay	\$ 1,850,000	\$ -	\$ -
FF&E Outlay		\$ 1,189,886	\$ 1,048,886
<b>Project Outlay</b>	\$ -	\$ 372,000	\$ 513,000
"Emergency Repairs"	\$ -	\$ 290,000	\$ 220,000
Debt	\$ 117,190	\$ 114,929	\$ 112,668
	<u>                    </u>	<u>                    </u>	<u>                    </u>
	\$ (15,947)	\$ (6,026)	\$ 648,997
		3 year rolling total	\$ 627,024

### Sales and Use Tax

Local governments must predict sales tax revenue based on trends. The amount allocated toward education is a guess. Local governments do not receive sales tax revenues immediately. For example, purchase in April is not paid by the vendor until May and is not distributed to the County until June. This is important to note because the County's budget operates on a fiscal year – from July 1 through June 30. Mr. Griffin pointed out that 75 counties had reported they had unspent sales tax cash on hand for school capital needs.

### **Reporting to the State**

The report is compiled by the Local Government Commission and submitted to the State Legislature annually. The report is statutorily required and must include the following information:

- Restricted sales and use tax
- Property tax revenue used on school capital
- Public School Building Capital Fund (lottery funds handled by the NC Department of Public Instruction)
- Issuance and use of debt
- Monthly/annual payments to school boards
- Contractors paid directly by county governments for school projects (other counties do this, but Transylvania County does not)

This concluded the formal presentation. Chairman Chappell called for comments and questions from the Commissioners.

Commissioner Guice requested a hard copy of the presentation to study more closely.

Commissioner McCall asked for clarification that the majority of school projects under the Project Outlay category were requested by the Board of Education and approved by the Board of Commissioners but have yet to be completed or started. Mr. Griffin confirmed. He explained that in the budget year, the Board authorizes capital projects. As shown in the chart previously, the columns indicate the School System's request, the County's appropriation, and what was paid out by the County. Only the top three projects (in green) have been closed out. The funds are carried forward in a restricted fund balance until those projects have been completed. Mr. Griffin stated that once he receives the documentation, he will prepare a budget amendment for approval and reimburse the School System. He pointed out that the Board of Education may request a modification to the Project Outlay list and for those to be used on another project. It simply takes a letter of request from the Board of Education, then County Commissioner approval.

Commissioner Guice suggested better communication between the two Boards and the staff. Mr. Griffin assured Commissioners that County staff are communicating with School staff. He recalled from the previous Board of Commissioners meeting a request by the Board of Education to modify one of the projects on the list, which was subsequently approved by the Commissioners. However, he pointed out that County staff does not pressure the other party to spend money unless they are ready to perform the project or make a modification.

Commissioner McCall was concerned about projects not being completed when the Board of Education has expressed the need for replacing air handlers and fixing other issues across all the schools and there are designated funds to fix them. Commissioners continue to hear about the needs, but the projects are not being completed. She also suggested better communication.

Commissioner Chapman noted that preparation for the upcoming budget cycle is coming soon. He asked if there was a statutory deadline for the Board of Education to submit its budget request. The Manager shared there is a statutory deadline for the Board of Education to submit its budget request to the County Commissioners no later than May 15. It may or may not be delivered in time for the Manager's Recommended Budget, but staff anticipates the same level of increase as the remainder of the County's budget.

Commissioner McCall stated she will have additional questions as the preparation for the budget begins. She asked if the County has offered to meet with School System representatives to review their budget

and gain a better understanding of their budget request. The Manager reported that for the past five years she and the Finance Director have expressed an interest in meeting to review the budgets line-by-line, but that meeting has not occurred. The staff has had opportunities to meet and discuss budget requests, but not specifically trying to understand each other's budgets. This is a method recommended by the Dare County Manager when the County was looking for ways to get on the same page with the Board of Education. She remains ready to meet with them.

Commissioner Guice felt the public needed to understand there always appears to be a divide between the School System and the County Commissioners, but the blame lies with the State Legislature for creating an adversarial relationship.

Commissioner Guice asked for more information about the intent of one of the sales tax articles. One of the articles partially funds a state agency and he wanted to know if that was the original intent of the article or whether it was added on later. It might be an issue that needs to be addressed with the Legislature. Mr. Griffin was unaware of the history but would research the issue as requested. He noted that it is written in the statutes that the Department of Revenue is supposed to garnish it on a per capita basis across all 100 counties.

Commissioner McCall asked for confirmation that the County is using the sales tax funds as they are intended to be used. Mr. Griffin reported the funds are being used as they are intended, and any unused funds have been set aside in a restricted fund balance for the same purpose in the future.

## APPOINTMENTS

### APPOINTMENT OF SUCCESSOR REGISTER OF DEEDS

Register of Deeds Cindy Ownbey is retiring effective during the mid-term of the 2024 election cycle and requested the Board of Commissioners appoint a successor Register of Deeds to complete the term. N.C.G.S § 161-5 states that the board of commissioners shall fill the vacancy of the register of deeds by the appointment of a successor for the unexpired term and shall appoint the recommendation from the local political party.

Transylvania Democratic Party Chair Sam Edney congratulated Ms. Ownbey on her 31 years of service to Transylvania County. She has a fine reputation in the community and is held in high regard across the State of North Carolina. Mr. Edney asked the Board of Commissioners to appoint Beth Landreth as the successor Register of Deeds effective May 1, 2022. The Transylvania County Democratic Party voted unanimously to recommend Ms. Landreth as the next Register. She has served as Ms. Ownbey's for 19 years and is well qualified and deserving of this appointment.

**Commissioner Guice moved to appoint Beth Landreth as the successor Register of Deeds of Transylvania County, seconded by Commissioner McCall.** Chairman Chappell agreed there is no other more qualified person than Ms. Landreth to accept this appointment. Commissioner Guice said Ms. Landreth has done a great job as Assistant Register and will continue to do the good work that Ms. Ownbey has done all these years. He congratulated Ms. Ownbey on her retirement. Commissioner Chapman welcomed Ms. Landreth into her new leadership role and thanked the Democrat Party for their nomination. **The motion to appoint was approved unanimously.**

Chairman Chappell invited Ms. Landreth to offer her comments. Ms. Landreth thanked the Democrat Party for their nomination and the Board of Commissioners for allowing her to continue in public service. She said she looked forward to working with the County Commissioners in her new role.

## NEW BUSINESS

### EXTENDED OVERLAP OF TRAINING TIME FOR REGISTER OF DEEDS OFFICE

Register of Deeds Cindy Ownbey will retire from Transylvania County effective May 1, 2022. With the announcement of Beth Landreth as the new Register of Deeds, Ms. Ownbey intends to hire and train an entry-level Deputy Register of Deeds position during the transition period of Ms. Ownbey retiring and Ms. Landreth moving into the role of Register of Deeds. She could not fill the position until it officially became vacant. She has selected a candidate that can start tomorrow. Ms. Ownbey asked for additional overlap of the positions to ensure continuity of service and allow time to train the new deputy. The current allowance is for two weeks of overlap time. The monies are available in the current budget due to lapsed salaries with Ms. Ownbey's retirement.

The Manager supported the requested and recommended approval. She stated it is important to make sure staff can transition smoothly, especially in the smaller departments.

**Commissioner Chapman moved to allow the selected candidate to begin work in the Register of Deeds Office on March 29, 2022, with the extended overlap of training time of 4 weeks, seconded by Commissioner Guice and unanimously approved.**

### CONSIDERATION OF RURAL BUILDING REUSE AND INFRASTRUCTURE APPLICATION

Burton Hodges, the new Executive Director of the Transylvania Economic Alliance, presented this item to the Board. He spoke on behalf of Project Defense and their intent to submit a Building Reuse and Infrastructure grant application.

Project defense is a manufacturing business located in western North Carolina that produces lifesaving equipment for the United States defense and aerospace industry. The company was founded in the region in 2005 and is a US service-disabled veteran-owned business. The company has outgrown its existing location and is expanding into Transylvania County to increase future opportunities to grow employment and enhance manufacturing capabilities currently outsourced to vendors and others. The company is considering an outfit and renovation of an existing building in the City of Brevard where it will transfer 15 employees and create 11 net new jobs. The company has indicated that its long-term plans involve the construction of a second building on the property that could consolidate all of its operations and employment. The company plans to invest over \$334,000 in real property improvements by 2026. The jobs will have an average wage of \$41,545.

The Alliance in partnership with the Economic Development Partnership of North Carolina is applying for a Building Reuse Grant that would assist the company in its outfit and renovation of the new building which requires a 5% match from a local government applicant. Based on the project's incentive scorecard of 65 points, the company is eligible for the match.

Mr. Burton recommended the Board adopt a resolution supporting the project and its Building Reuse Grant application. The Board will be required to hold a public hearing at a later date at which time the name of the company will be announced, and the Board will enter into agreements with the State of North Carolina and the company for administration of the grant if awarded.

**Commissioner McCall moved to approve a resolution In Support of the Project Defense Building Reuse Program Grant Application, seconded by Commissioner Guice and unanimously approved.**

### NEW HVAC UNIT FOR VETERANS' HISTORY MUSEUM

Operations Director Chad Owenby presented this item to the Board. The Veteran's History Museum leases the former County Administration building. One of the HVAC units in the building is not working

and must be replaced. Only half the building has a working HVAC. Mr. Owenby recommended allowing the Museum to purchase a new HVAC unit, which they have agreed to do, to be installed by Anderson Heating and Air. The HVAC unit will become a fixed asset of the County if and when the Museum vacates the property. At that time, the donated asset will be added to the County's financial records.

**Commissioner Dalton moved to allow the Museum to purchase and install the HVAC unit from Anderson Heating and Air, seconded by Commissioner Guice.** Commissioner Chapman disclosed that he is a member of the board for the Veterans History Museum. He stated the Museum is meeting its part of the agreement with the County to lease the building to put forth monies for major expenses which they have been able to do through the generosity of donations. **The motion was unanimously approved.**

#### ARPA FUNDING AND LETTER OF SUPPORT FOR GREAT GRANT BROADBAND APPLICATIONS

The Growing Rural Economies with Access to Technology (GREAT) Grant is a competitive grant program that provides funding to private sector broadband providers to deploy last-mile broadband infrastructure to unserved areas of North Carolina. The original GREAT Grant program was launched in 2019, and subsequently became a recurring State-funded grant program within the NCDIT Broadband Infrastructure Office.

[N.C. Session Law 2021-180](#) appropriates \$350 million from the American Rescue Plan Act (ARPA) for the GREAT Grant program. The current 2021-2022 funding round may award up to \$350 million in federal ARPA funding. The application period opened on January 31. Applications are due May 4.

This program follows a different track than the original GREAT Grant program. The grant is awarded based on a point system. Each application may receive up to three points with an allocation of ARPA funds from a local government. There is no minimum amount of ARPA fund allocation, so \$1 of ARPA funding provided additional points for the application.

A single grant award shall not exceed \$4 million. No combination of grant awards involving any single county may exceed \$8 million in a fiscal year. The maximum matching requirement is 50% and will vary based on economic distress designations.

Two local entities intend to submit applications. Comporium plans to submit two applications for \$4 million each that will enable network upgrades to 3,000 homes across the County by December 31, 2024. They intend to pursue subsequent grant funds in the future that would serve an additional 3,000 homes. Skyrunner plans to submit one or two applications for \$6.7 million and intends to provide high-speed, affordable access to over 1,000 addresses in Transylvania County.

The GREAT Grant program requires letters of support that will be considered in the decision-making process. If awarded, the County would be required to enter into a memorandum of understanding articulating the use of the ARPA funds. The County's economic tier designation will likely factor into whether grants are awarded.

**Commissioner Guice moved to approve \$2 in ARPA funding for Comporium's two GREAT grant applications for broadband and \$2 in ARPA funding for Skyrunner's GREAT grant applications and authorize the chairman to sign letters of support, seconded by Commissioner Dalton and unanimously approved.**

## CONSIDERATION OF LETTER OF SUPPORT FOR THE CITY OF BREVARD'S RAISE GRANT APPLICATION

This is a follow-up from a presentation by Brevard Mayor Maureen Copelof and Kieran Roe, Executive Director of Conserving Carolina at the Board's last meeting.

The City of Brevard plans to submit a RAISE grant application in to fund the construction of the Ecusta Trail. They requested the Commissioners consider a letter of support for the grant application.

The U.S. Department of Transportation has published a Notice of Funding Opportunity (NOFO) for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program. The competitive program is intended to help communities around the country carry out projects with significant local or regional impact.

RAISE discretionary grants, which were created under the American Recovery and Reinvestment Act as TIGER grants, can be used for a wide variety of projects. RAISE projects are rigorously reviewed and selected based on merit. Projects will be evaluated on statutory criteria of safety, environmental sustainability, quality of life, economic competitiveness and opportunity, state of good repair, partnership, and innovation. New this year, under the Bipartisan Infrastructure Law, 2022 RAISE applications will also be evaluated on the criteria of mobility and community connectivity. The Department will assess projects for universal design and accessibility for travelers, as well as consider how proposals increase mobility for freight and supply chain efficiency.

The deadline for applications is April 14, 2022, and selections will be announced no later than August 12, 2022. The City is not requesting any funding from the County. Staff asked the Board to consider a letter of support for the City of Brevard's RAISE grant application. Included in the Board's agenda packet was a summary of the City's intent to apply for the RAISE grant and the proposed budget which was prepared by their grant consultant.

At the previous meeting, Chairman Chappell asked the City to provide additional information and detail about their grant application and he was appreciative of their quick turnaround time. Chairman Chappell read aloud the letter of support for the benefit of the Board and the public.

**Commissioner Chapman moved to approve the letter in support of the City of Brevard's RAISE Grant application, seconded by Commissioner Guice.** Commissioner McCall stated she has made her concerns known over the past few months and they remain unchanged. She stated she has no concerns with the City of Brevard and the endeavors they are undertaking, especially under the new leadership of Mayor Copelof. For her, this issue is a matter of principle. She pointed out that Conserving Carolina, by their admission, acknowledged that 10% of the property deeds in this area include reversion language, yet there has been no attempt to meet with them to address their concerns or answer their questions. If those property owners supported this endeavor, she would be on board. Commissioner McCall was also hesitant to give the impression of presumed support, especially presumed financial support, when the project estimates are likely too low. Commissioner Guice said he spent a great deal of time researching all the information that has been shared on this issue. He came across an email from Senator Chuck Edwards where he indicated this grant would address the primary concerns of most Transylvania County taxpayers and why he offered his full support for the grant, including traveling to Washington, DC with Brevard leaders to make the plea for the grant in person. Commissioner Guice found a list of questions posed by this Board with responses to each and while members of this Board may not have been satisfied with each answer, all the questions were answered, nonetheless. Therefore, he intended to vote in favor of the letter of support. Commissioner Guice stated that property owners along the proposed trail are excited about this project and the ability to have easy access to a trail where they can walk or ride bicycles to the Pisgah National Forest or Hendersonville. He also saw the trail as a great economic opportunity and for the

overall well-being of others. Commissioner Guice acknowledged there remain some answered questions, but he was positive the community could work together to address them. Commissioner Chapman saw this as a public relations issue and thus Conserving Carolina as the owner must do what it can to address the issues and concerns that property owners have. Chairman Chappell acknowledged there remain many unanswered questions, but he intended to vote in favor of the letter of support because he felt it was important to show the public that the elected bodies are working together for a common goal. Commissioner Guice pointed out that the County has two seats on the City's Ecusta Trail Advisory Committee – Commissioner Chapman and Cooperative Extension Director Addison Bradley – so we have a voice at the table. **The motion passed 4 to 1, with Commissioner McCall voting against.**

#### NCEM EMERGENCY MANAGEMENT TRANSPORTATION INFRASTRUCTURE RESILIENCY FUND APPLICATION

North Carolina Emergency Management (NCEM) is accepting applications for grants funded through the Emergency Management Transportation Infrastructure Resiliency Fund (TIRF). Eligible applicants are State agencies, units of local government, and nonprofit corporations to facilitate transportation resilience against natural disasters. The deadline to submit applications is by the close of business on March 31, 2022.

State Agencies, units of local governments (municipal/county/state-recognized tribal), and nonprofit corporations may submit applications for projects to the State Emergency Management Long-Term Recovery Group, which will convene a panel to score and rank the projects. Nonprofit corporation projects are limited to nonsectarian or nonreligious purposes or facilities that addressed such items in the section below.

Funds can be used to ensure transportation resilience against natural disasters. The total available funding for this grant program is \$15 million with the anticipated number of grants available between five and 30. Projects can be 100% funded with no cost share and are paid on a reimbursement basis. Proposals are expected to fully explain how the project will mitigate the damages or access to transportation infrastructure from natural disasters.

Transylvania County Emergency Management has worked with the NC Department of Transportation (NCDOT) regarding a section of Little River that floods and thus extend response times during emergencies. Cascade Lake Road at Merrell Lane and Hart Road at Everett Road flood numerous times each year. There is accessibility along the gravel section of Cascade Lake Road, but road conditions have been challenging over the last few years with two extended periods of closure due to failures of the roadbed caused by storms. Even with access open, response times are extensive for emergency vehicles in the area. Local traffic has been able to access Eagle's Nest Camp, but this limited access is not suitable for emergency vehicles.

NCDOT Division 14 has identified the Hart Road flooding area as the most feasible to alleviate the existing concerns and proceeded with design, but do not have funding for the project at this time. Division 14 would manage the project should the grant be awarded. The Board of Commissioners adopted a resolution in support of the project on June 21, 2021, to support NCDOT's efforts in pursuing funding for the project. There is no match is required for this funding.

**Commissioner McCall moved to authorize staff to apply for Hart Road flooding improvements to the NCEM Emergency Management Critical Transportation Infrastructure Grant Program in partnership with Division 14 of NCDOT, seconded by Commissioner Guice and unanimously approved.**

Commissioners publicly expressed their appreciation to Eagle's Nest Camp for being a good community partner and allowing access through their property during flooding events.

#### ARPA NONPROFIT SUB-RECIPIENT CONTRACTS

Finance Director Jonathan Griffin presented this item to the Board. At a prior Board meeting, County staff made recommendations concerning the use of ARPA resources in the form of grants to nonprofit agencies. The Board of Commissioners agreed with that recommendation but requested that the Board reviews contracts before presentation to the nonprofit partners. The Finance Office created the agreements. The County Attorney has reviewed and okayed them. The staff proposed for the Board to approve contracts with Habitat for Humanity and Transylvania Christian Ministries. There was a third recommendation for the adult day program, but there is currently no provider for this service.

**Commissioner Guice moved to approve the contract terms as presented, seconded by Commissioner Chapman, and unanimously approved.**

#### REQUEST FOR REFUND OF DEED STAMP EXCISE TAX

Finance Director Jonathan Griffin presented this item to the Board. N.C.G.S. § 105.228 establishes procedures by which a taxpayer can request a refund of overpaid taxes on real estate deed stamps, which is the excise tax collected by the Register of Deeds.

Under the statute, the Board of Commissioners must conduct a hearing and then determine if a refund is due. If it is due, the Board of Commissioners may issue the refund and notify the North Carolina Department of Revenue that a refund has been issued in the matter.

The County received a request postmarked March 7, 2022, from Kimberly R. Coward of Coward, Hicks & Siler for a refund of \$90 on a transaction that had been mistakenly recorded as \$300.00 instead of \$210. Coward, Hicks & Siler has already filed a correcting deed, fulfilling the requirements of section E of the statute, which requires the taxpayer to correct the original deed before receiving a refund. Coward, Hicks & Siler has agreed in writing to the County conducting the procedure at this meeting.

The Board must hold a hearing, determine the merits of the request, and decide whether to issue a refund. If the Board issues a refund, staff will notify the NC Department of Revenue, which will accordingly review the decision. If they do not agree, the taxpayer will instead owe it to the Department of Revenue. From the staff perspective, all is in order and the request for refund on the overpayment is in order and reason.

The Board of Commissioners conducted the required hearing which consisted of the information being presented by the Finance Director.

**Commissioner Chapman moved to authorize a refund of \$90 from excise tax revenues, seconded by Commissioner McCall and unanimously approved.**

#### MANAGER'S REPORT

The Manager reported the following:

- Transylvania County Schools has requested additional operating funds for FY 22. Staff is working through the request, and it will be on the agenda in April.
- GetSet Transylvania early childhood activities coming up around the Week of the Young Child in April
  - Family Fun Day at the Recreation Center on April 2<sup>nd</sup> from 3 pm-6 pm
  - Kindergarten Readiness Rally at Recreation Center on April 7<sup>th</sup>, 4 pm-6 pm

- The Manager will be traveling tomorrow to participate in the Federal Reserve of Richmond's conference on investing in rural America where she will speak on the County's early childhood efforts
- Kudos to Anjte Owen in Register of Deeds from citizen George Hodges for being "very thorough and very helpful, and most pleasant to boot!"

#### **PUBLIC COMMENT**

There were no comments from the public.

#### **COMMISSIONERS' COMMENTS**

Commissioner Chapman addressed the comments made during the public comment period that the Board of Commissioners was impeding the school bond and the accusation that Commissioners do not care about the kids in this community. He pointed out the millions the County has already spent on architectural and engineering fees. He stated the plans at Brevard School include a new gym and administration wing and the elimination of improvements to the CTE wing which would directly serve the students. He reminded everyone that earlier in the meeting Dr. Leatherwood stressed the importance of career and technical training to the workforce. Commissioner was insulted at the insinuation that the Board does not care about kids when much of the project at Brevard High School does not impact the classrooms. He also pointed out that the six other schools in this County are expected to receive no improvements from the bond, yet they have dire needs as well. He pointed out the project scope continues to change with the bond projects and citizens are not getting what they voted for. Commissioner Chapman said neither Board knows if the bids will come back under \$68 million. He stated he has many concerns about where this project is heading and he did not feel that the most critical needs are being met, like the CTE program. He suggested the possibility of a countywide CTE program as a function of the School System and Blue Ridge Community College that would benefit students, rather than focusing on a new gym and administration wing. He also encouraged the Board of Education to consider how the bond money can benefit all schools, not just three.

Commissioner Guice shared that he has several emails in his possession that Commissioner Chapman sent throughout the community that, in his opinion, misstate the facts. He was disturbed about the misinformation that has been shared because it does a disservice to the Board of Commissioners and the Board of Education that are trying to work hard for this community. Commissioner Guice also pointed out that no one, including the Board of Commissioners, has drug their feet on this project. No one could control the pandemic and the impact it has had on our community.

Commissioner Dalton stated the public voted on a \$68 million school bond, but with the architectural fees and CMAR funds, the amount to be spent on the projects has already been reduced to \$57 million. In his experience with contracting, the fees normally translate to ½% to 1% of the total budget. \$11 million in fees exceeds that percentage tremendously. He stated that repairs that have not been made over the years continue to compound the problems. He recalled when he first came on the Board receiving a punch list of capital needs in the County totaling \$285 million, a large majority of which were in the School System.

**Chairman Chappell moved to enter into closed session Per N.C.G.S. 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, following a 10- minute recess, seconded by Commissioner Dalton and unanimously approved.**

**CLOSED SESSION**

Per N.C.G.S. 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, a closed session was entered into at 8:34 p.m. Present were Chairman Chappell, Commissioners Chapman, Dalton, Guice, and McCall, County Manager Jaime Laughter, County Attorney Bill Bulfer (via Zoom meeting software), and Clerk to the Board Trisha Hogan.

The Board of Commissioners consulted with the County Attorney on privileged matters in order to protect the attorney-client privilege.

**Chairman Chappell moved to leave the closed session, seconded by Commissioner Dalton and unanimously approved.**

**OPEN SESSION**

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

**ADJOURNMENT**

**Chairman Chappell moved to adjourn the meeting at 9:57 p.m., seconded by Commissioner Dalton and unanimously carried.**

---

Jason R. Chappell, Chairman  
Transylvania County Board of Commissioners

ATTEST:

---

Trisha M. Hogan, Clerk to the Board