

**MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
NOVEMBER 14, 2022 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in a regular meeting on Monday, November 14, 2022, at 5:00 p.m. in the Multipurpose Chambers at the County Administration Building, located at 101 South Broad Street, Brevard, NC. The Board rescheduled the start time of its regular meeting from 4:00 p.m. to 5:00 p.m. due to a scheduling conflict. The Clerk to the Board published the time change in the local newspaper and on the County's website.

Commissioners present were Larry Chapman, Chairman Jason Chappell, Vice-Chairman Jake Dalton, and David Guice. Commissioner Teresa McCall was absent due to illness. Also present were County Manager Jaime Laughter, County Attorney Patrick Scott, and Deputy Clerk to the Board Kate Hayes filling in on behalf of Clerk to the Board Trisha Hogan.

There were approximately 30 in attendance.

Media: *Brevard Newsbeat* – Dan DeWitt
The Transylvania Times – Jon Rich

CALL TO ORDER

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 5:00 p.m.

WELCOME

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

PUBLIC COMMENT

There were no public comments.

AGENDA MODIFICATIONS

The Manager requested to add two resolutions as Item D on the Consent Agenda for Officers Benny Frady and Kevin Creasman to purchase their service handguns upon retirement.

Commissioner Guice moved to approve the revised agenda, seconded by Commissioner Dalton, and unanimously approved.

CONSENT AGENDA

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

The Board approved the following items:

REQUEST TO CLOSE COUNTY OFFICES FOR ANNUAL EMPLOYEE LUNCH

The Annual Employee Luncheon is scheduled for December 19 at Brevard College. County offices have historically been closed after this event allowing employees to have an afternoon off. Employees have not gathered indoors since the pandemic. The Board approved the request to close the Solid Waste landfill and convenience sites from 11:30 a.m.-5:30 p.m. and the remaining County offices from 12:00 p.m.-5:00 p.m. on December 19 so that County employees may attend the Annual Employee Luncheon and instructed staff to post notice at their facilities.

VAYA HEALTH QUARTERLY FINANCIAL REPORT

Per N.C.G.S. § 122C-117 (c), the quarterly Fiscal Monitoring Reports for the local management entities must be presented to the Board of Commissioners. This report covered the first quarter of FY 2023 through September 30, 2022.

Vaya Health reported its current actual revenues as \$198,372,877 (80.75% of the annualized budget) and its current actual expenditures as \$213,553,213 (86.93% of the annualized budget). This equates to a current net loss from operations of \$23,318,799.

Vaya reported the following fund balances:

- \$97,665,570 restricted for risk reserve
- \$21,848,969 restricted for statute, prepaids, and investments in fixed assets
- \$57,647,454 unrestricted

They also reported a total operating cash of \$193,244,545 net of risk reserves. Their total spendable cash estimate is \$16,368,699.

The Board officially received the report.

FY 2023 JUVENILE CRIME PREVENTION COUNCIL FUNDING PLAN REVISION

During the FY 2023 funding plan process, the Juvenile Crime Prevention Council (JCPC) allocated funds to a program operated by the Asheville-based Mediation Center for \$26,300. In July, the JCPC received notification that the Mediation Center had decided to suspend its program and cease operations in Transylvania County due to staff turnover and the lack of referrals from the School Systems. As a result, the JCPC opened a competitive application period and received requests for additional funding from two of its three programs. At its October meeting, the JCPC approved the following reallocation of funds: \$19,300 to Vocational Directions and \$7,000 to Kids at Work. The nonprofit corporation Aspire Youth and Family operates both programs. The Board approved the revised funding plan as submitted.

RESOLUTIONS ALLOWING BENNY FRADY AND KEVIN CREASMAN TO PURCHASE THEIR SERVICE WEAPONS

N.C.G.S. § 20-187.2 allows the governing board to award a retiring member the service handgun of the retiring member. Kevin Creasman retired from the Sheriff's Office earlier this year. Benny Frady will retire effective November 30, 2022. Both requested to purchase their service weapon for \$1 which the Board approved through the passage of the resolutions. The Board wished them the best in their next endeavors and thanked them for their many years of service.

**RESOLUTION # 38-2022
ALLOWING RETIRING OFFICER TO PURCHASE SERVICE HANDGUN**

WHEREAS, NC General Statute § 20-187.2 provides that the governing body of a local law enforcement agency may, in its discretion, award to a retiring member the service handgun of the retiring member; and

WHEREAS, Garreth "Benny" Frady is a member of the Transylvania County Sheriff's Office where he has served as Jailer, Deputy Sheriff, Investigations Sergeant, Transport Officer, Court Security, Civil Process Officer, and most recently as Court Sergeant; and

WHEREAS, Garreth "Benny" Frady will retire from the Transylvania County Sheriff's Office effective November 30, 2022, with 36 years of service to the Sheriff's Office;

NOW, THEREFORE, BE IT RESOLVED by the Transylvania County Board of Commissioners to allow Garreth "Benny" Frady to purchase his service handgun in accordance with the provisions of NC General Statute § 20-187.2 for the purchase price of \$1.00.

This the 14th day of November 2022.

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

**RESOLUTION # 39-2022
ALLOWING RETIRING OFFICER TO PURCHASE SERVICE HANDGUN**

WHEREAS, NC General Statute § 20-187.2 provides that the governing body of a local law enforcement agency may, in its discretion, award to a retiring member the service handgun of the retiring member; and

WHEREAS, Kevin Creasman was a member of the Transylvania County Sheriff's Office where he has served as Deputy Sheriff, Patrol Sergeant, Patrol Lieutenant and most recently as Patrol and Administrative Captain; and

WHEREAS, Kevin Creasman retired from the Transylvania County Sheriff's Office effective April 30, 2022, with 30 years of service to the Sheriff's Office;

NOW, THEREFORE, BE IT RESOLVED by the Transylvania County Board of Commissioners to allow Kevin Creasman to purchase his service handgun in accordance with the provisions of NC General Statute § 20-187.2 for the purchase price of \$1.00.

This the 14th day of November 2022.

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

APPOINTMENTS

TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY (TCTDA)

The terms of Jessica Whitmire (Town of Rosman appointee) and Dee Dee Perkins (Individual Interested in Tourism Business) expire at the end of the year. There is also one vacancy. The TCTDA reviewed the applications at its October 27 meeting and recommended the reappointment of Dee Dee Perkins to a second term and Madeline Magin to fill the vacancy. Staff will await a recommendation from the Town of Rosman for its appointment.

Commissioner Guice moved to reappoint Dee Dee Perkins, seconded by Commissioner Chapman, and unanimously approved.

Commissioner Guice moved to appoint Madeline Magin to fill the vacancy, seconded by Commissioner Chapman and unanimously approved.

NEW BUSINESS

CONSIDERATION OF LETTER TO THE NC DEPARTMENT OF TRANSPORTATION REGARDING CERTAIN ROAD HAZARDS

County Planner Darby Terrell presented this item. She reported that the Transportation Advisory Committee (TAC) was informed about diseased hemlocks and other damaged trees creating dangerous conditions and leading to numerous road closures due to fallen trees along US 276 North from US 64 to the Haywood County line and NC 215 from US 64 to Jackson County and Haywood County lines. The TAC requested the Board of Commissioners consider sending a letter to the NC Department of Transportation (NCDOT) asking them to remove the dangerous trees with the help of the US Forest Service. NCDOT representatives informed TAC that a formal request in the form of a letter from the County Commissioners or the committee itself with the County Commissioners' approval is necessary before the NCDOT can take any action.

Commissioner Dalton moved to approve a letter from the Transportation Advisory Committee to the NC Department of Transportation requesting the removal of damaged trees along US 276 North and NC 215, seconded by Commissioner Guice. Commissioner Chapman requested staff to forward a copy of the letter to the Commissioners so they can remain informed. While the subject of transportation was being discussed, Commissioner Chapman informed the public that by law school buses must stop at railroad crossings even though the ties have been removed for the construction of the Ecusta Trail. Chairman Chappell suggested discussing the issue further with the County's legislators to develop a commonsense approach. **The motion was unanimously approved.**

REGIONAL PUBLIC HEALTH COMMUNICATIONS CAMPAIGN RFQ AWARD

Public Health Director Elaine Russell presented this item. Transylvania Public Health is serving as the Region 1 fiduciary for the NC Division of Public Health Regional Workforce Agreement Addendum 621. Region 1 consists of the eight most western counties and was awarded \$1 million in the Agreement Addendum, the smallest award in the State. The ARPA-funded Agreement Addendum intends to identify staff support and development opportunities to assist the seven foundational capabilities of local health departments. The Agreement Addenda carries through the final business day of May; however, the Center for Disease Control and Prevention has indicated that they would honor a one-year no-cost extension which provides 12 additional months to expend the funds.

The development and award of a communications request for qualifications (RFQ) directly responds to an identified need of the Region 1 Health Departments and has a direct correlation to the foundational capability of communications. The agency received a single submission from the Western North Carolina Health Network (WNCHN) to deliver the work defined in the RFQ. The WNCHN is a long-established organization serving the health data and communications needs of various health entities in WNC.

Ms. Russell asked for approval to contract with the Western North Carolina Health Network for \$324,480 to meet the deliverables defined in the RFQ. There is no fiscal impact to the County as all costs of the communications RFQ will be covered through the funding provided in the Agreement Addendum. The work would serve all eight WNC Health Departments in Region 1.

Commissioner Guice moved to approve staff to contract with the Western North Carolina Health Network for \$324,480 to meet the deliverables defined in the RFQ, seconded by Commissioner Dalton, and unanimously approved.

REGIONAL PUBLIC LEGAL EDUCATION TRAINING RFQ AWARD

Public Health Director Elaine Russell presented this item. Transylvania Public Health is serving as the Region 1 fiduciary for the NC Division of Public Health Regional Workforce Agreement Addendum 621. Region 1 consists of the eight most western counties and was awarded \$1 million in the Agreement Addendum. The ARPA-funded Agreement Addendum intends to identify staff support and development opportunities to assist the seven foundational capabilities of local health departments. The Agreement Addenda carries through the final business day of May; however, the Center for Disease Control and Prevention has indicated that they would honor a one-year no-cost extension which provides 12 additional months to expend the funds.

The development and award of a public health legal education request for qualifications (RFQ) directly respond to an identified need of the Region 1 Health Departments and has a direct correlation to the foundational capability of organizational administrative competencies. The agency received a single submission from Teague Campbell Dennis & Gorham LLP to deliver the work defined in the RFQ. Teague Campbell Dennis & Gorham LLP is a long-established legal firm serving the legal support and education needs of local government operations across North Carolina.

Ms. Russell asked for approval to contract with Teague Campbell Dennis & Gorham LLP in the amount of \$140,000 to meet the deliverables defined in the RFQ. There is no fiscal impact to the County as all costs of the Public Health Legal Education RFQ will be covered through the funding provided in the Agreement Addendum.

Commissioner Guice moved to approve staff to contract with Teague Campbell Dennis & Gorham LLP in the amount of \$140,000 to meet the deliverables defined in the RFQ, seconded by Commissioner Dalton, and unanimously approved.

CONTRACT FOR DARKTRACE CYBER SECURITY MONITORING SERVICES

Information Technology Director Nathanael Carver presented this item. He reported that the number of cyber-attacks from around the world is increasing daily and local governments are becoming a favorite target of these attacks. The Information Technology (IT) Department believes that cyber-attacks should be one of its main focuses.

To combat the issue of cyber-attacks, the IT department first implemented an advanced and more robust Endpoint Security Suite on all County computers. Once the computer level was under control, IT turned its focus to external attacks. IT had some basic external monitoring to use as a baseline and reference. After extensive research, IT decided to work with Darktrace and perform a proof of value (POV) with them which gave IT access to the full monitoring suite. If IT moves to the fully functional suite, the Darktrace AI could stop a successful cyber-attack in real time and notify IT staff to clear the incident and restore the functionality that was disabled.

Representatives from Darktrace were in attendance and they shared the following statistics:

- 44% of attacks across the industry are on local governments
- 70% of ransomware attacks are targeted at local and state governments
- One-third of local governments are unable to detect cyber threats
- Of the remaining two-thirds that have monitoring capabilities, one-third reported attacks hourly and half reported daily attacks
- In some cases, it requires over 100 hours in response time to remediate

Darktrace POV has given the IT staff visibility into the network and email side of attacks that they previously did not have. In the average week, IT sees thousands of attempts from all over the world trying to guess email

passwords. Darktrace also allows IT staff to view abnormal internal network traffic and flags for investigation. This tool will be a valuable asset to IT and help protect the County's infrastructure.

Mr. Carver shared that the County recently experienced a potential external breach of a system that was not publicly known. Many County users are tied to that system. Within minutes of the potential breach using the Darktrace technology, IT was able to see nearly 50,000 hits on employees' email accounts and where they were coming from which enabled them to guarantee the cyber-attack attempts were unsuccessful. Mr. Carver recommended the Board approve the purchase of the Darktrace software with the fully functioning mode which will stop cyber-attacks and allow IT staff the time to mitigate the problem. The cost of the contract, if approved, would be \$4,787 per month beginning December 1, 2022, for 48 months which is discounted for local government at 65%.

The Manager concurred with Mr. Carver's recommendation. She noted that the NCACC Risk Management Board has learned that many jurisdictions are having trouble getting cybersecurity coverage. State laws recently changed that banned local governments from paying ransom to lessen the number of attacks in North Carolina. The County carries sensitive data on behalf of its citizens, and this action would take a proactive stance to support the County's information technology infrastructure. In addition, the software package creates efficiency whereby IT staff do not have to monitor the infrastructure 24/7. The software monitors it on behalf of IT.

Commissioner Guice moved to approve signing the agreement between Darktrace and Transylvania County, seconded by Commissioner Dalton and unanimously approved.

APPROVAL OF LEASE AGREEMENT WITH VERIZON

Finance Director Jonathan Griffin presented this item. He reported that effective June 30, 2022, all local governments in North Carolina were required to adhere to the standards established by GASB 87 concerning leases. For GASB 87 purposes, a lease is any contract that grants a local government a right to use tangible property owned by another entity or grants another party the right to use tangible property owned by the County.

The goal of GASB 87 is to achieve three goals:

1. More accurately portray the legal obligation of a lease, aligning the accounting/reporting with the length of the agreement; previously leases were just accounted for as a revenue or expense on an annual basis
2. Increase consistency across financial statements of governments
3. Align the public sector with the private sector accounting rules (ASC 842)

As recommended by staff, the Board adopted a resolution that requires them to consider all leases. As a result of this policy, certain information necessary to complete the accounting for the lease must be compiled, including the execution date, possession date, useful life, payment schedule, and interest rate.

Staff recommended the Board approve a lease agreement with Verizon whereby the County will recognize \$138,000 in revenue and asset (value of the lease due to the County) on its balance sheet. The lease contains the following conditions.

- Execution date and possession date: November 1, 2022
- Useful life: 10 years (lease obligation is five years)
- Payment schedule: \$27,600 per year for five years
- Interest rate: 4.27%

The lease itself does not contain an interest rate, but pursuant to GASB 87, staff are required to choose one. 4.27% was the November 1 rate on a five-year US Treasury bill. GASB 87 requires interest rates to provide an opportunity for users of financial statements to get at the present value of lease agreements.

Commissioner Guice moved to approve the lease agreement with Verizon Wireless whereby the County will recognize \$138,000 in revenue and asset (value of the lease due to the County) on its balance sheet, seconded by Commissioner Chapman and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- Congratulations to all those elected or reelected into public office on November 8. We look forward to working with you!
- We wish the best to Commissioner Guice and Sheriff Mahoney upon their retirement from public office!
- The Swearing in Ceremony for elected officials will be held on Monday, December 5 at 8:00 a.m. in the Multipurpose Chambers, followed by an organizational meeting of the Board of Commissioners where the Board will elect its chair and vice-chair for the ensuing year.
- Kudos to the Board of Elections, the entire Elections staff, and the hundreds of volunteers who worked so hard to ensure Transylvania County had a safe, secure, and smooth election process.
- Transylvania County Sheriff's Office is hosting a drop-in retirement reception honoring Sheriff David Mahoney on Thursday, November 22 from 4:00 p.m.-7:00 p.m. in the Rogow Room at the Library.
- Transylvania County was selected to receive directed grant funds distributed by the Southwestern Commission Council of Governments on behalf of Senator Corbin totaling \$100,000. These funds will go toward the EMS Base construction.
- Commissioner Chapman will represent Transylvania County at the NCACC Legislative Goals Conference this week in Raleigh where he will vote on the legislative agenda that the NCACC will advocate for on behalf of counties.
- The School Finance Director and County Finance Director met to discuss capital project statuses and are collaborating on processes to make those transactions smoother.
- The Manager met with Superintendent McDaris to start developing an advisory committee as described in a letter from the Board of Commissioners last month. The committee will work with a hired professional to assess school buildings and develop project needs over \$50,000. More to come in the next few weeks.
- The courthouse was lit up in green last week in recognition of Operation Greenlight to honor our veterans. Thanks to the Operations and Maintenance staff for their work on installing the green lighting. A huge thank you to every person who has chosen to serve our country.

Chairman Chappell publicly thanked Senator Corbin for his help in seeking State funding to help the County with the construction of the EMS Base.

PUBLIC COMMENT

There were no comments from the public.

COMMISSIONERS' COMMENTS

Commissioner Chapman announced the Operation Greenlight initiative at the Marine Corps birthday celebration on Thursday and at the Legion's veterans' program on Friday night. On behalf of the veterans, he was appreciative of the County for participating. The City of Brevard participated as well.

Commissioner Dalton thanked all those who voted in the recent election and for exercising their civic duty. He thanked the citizens for allowing him to serve another term.

Chairman Chappell moved to enter into a 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 5-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, the closed session was entered into at 5:47 p.m. Present were Chairman Chappell, Commissioners Chapman, Dalton, and Guice, County Manager Jaime Laughter, County Attorney Patrick Scott, Attorney Sean Perrin of Womble Bond Dickinson participating via Zoom meeting software, and Deputy Clerk to the Board Kate Hayes. Commissioner McCall participated via phone conference. Also present were IT staff for technology support.

The Board of Commissioners consulted with the County Attorney on a privileged matter.

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

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Guice moved to adjourn the meeting at 6:07 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