

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
JUNE 10, 2024 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in a regular meeting on Monday, June 10, 2024, at 4:00 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, and Teresa McCall. Also present were County Manager Jaime Laughter, County Attorney Bill Bulfer, and Clerk to the Board Trisha Hogan. Emmett Casciato resigned his seat effective May 31, 2024.

Media: Jon Rich – *The Transylvania Times*

There were approximately 50 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 4:02 p.m.

WELCOME

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

PUBLIC COMMENT

The public comments reflect the speakers' opinions or points of view.

Ashley Hart: Ms. Hart stated that she recently began volunteering with the Transylvania County Republican Party due to escalating political rhetoric. She emphasized the significant changes in the United States over the past four years and expressed frustration at the disparities between COVID-19 vaccine mandates for citizens and the influx of unvaccinated illegal immigrants. She recounted a job interview where she learned that illegal immigrants were being prioritized over citizens for employment and housing. Ms. Hart also cited a case where an illegal immigrant charged with murder was released due to lack of detention space and she criticized policies that she felt prioritized illegal immigrants over public safety. Citing political bias, she criticized efforts targeting the Republican presidential candidate and warned against potential future abuses of power. Ms. Hart referenced a recent community concern about school supplies and shared her personal contribution of supplies for use next year. Lastly, Ms. Hart declared her candidacy for the vacant County Commission seat pledging to prioritize the needs of the School System if selected by the Republican Party.

Ryan Merrill: Ms. Merrill, a recent graduate of Brevard High School, expressed her intention not to continue her family's tradition of attending Transylvania County Schools due to the current conditions of the school buildings. Despite Transylvania County ranking 8th in the state for local appropriations per student at \$4,592, she highlighted that local appropriations per student as a percent of the County's revenue ranks 57th in the state. She criticized the Board's decision to deny funding for critical repairs to HVAC systems at three schools. Ms. Merrill noted promises of improved communication between the Commissioners and the Board of Education had not been fully realized. In the summer of 2012, bids for school bond projects were 25% over budget, prompting the School Board to revise plans, yet delays from the County resulted in missed contract opportunities. Ms. Merrill lamented the ongoing neglect of school maintenance despite community concerns

about mold and disrepair. She pointed out that the School Board's capital requests have been underfunded for years, with the earliest possible bond funding availability not until November 2024, contingent on timely cooperation between the Commissioners and the School Board. Failure to issue the bonds by November 2025 would divert already collected tax dollars to the County's general fund unless an extension is pursued. Ms. Merrill expressed gratitude for the County officials' efforts while asserting that many students feel neglected. She stressed her upcoming enrollment at Duke University to study mechanical engineering and rejected claims that her concerns were influenced by others, asserting that the schools' deficiencies are undeniable and disheartening to many graduates. Ms. Merrill affirmed that it is the dedicated staff and educators who make school worthwhile, but she shares the disappointment of her fellow graduates regarding current building conditions.

AGENDA MODIFICATIONS

There were no agenda modifications.

Commissioner Chapman moved to approve the agenda as submitted, seconded by Commissioner Dalton, and unanimously approved.

CONSENT AGENDA

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

The Board approved the following items:

APPROVAL OF MINUTES

The Board of Commissioners met in a regular meeting on October 24, 2022, and following met in a closed session (3) in which the minutes were sealed, a regular meeting on November 14, 2022, and following met in a closed session in which the minutes were sealed, a regular meeting on December 12, 2022, and a regular meeting on May 28, 2024. The Board approved the minutes as submitted.

RESOLUTION RECOGNIZING AND APPROVING THE TRANSYLVANIA COUNTY OFFICIAL AMERICA 250 NC COMMITTEE

Governor Cooper initiated AMERICA 250 NC to organize and oversee the commemoration of the United States' 250th anniversary, emphasizing North Carolina's significant contributions to this historic event. Recently, the Board of Commissioners delegated responsibility for coordinating the County's celebration to the Joint Historic Preservation Commission. Grant funds are available for local governments, contingent upon the establishment of an official committee. This resolution formally establishes Transylvania County's American 250 NC Committee, enabling the County to qualify for these grants and ensuring effective participation in this nationwide commemoration. The Board approved Resolution #18-2024 Recognizing and Approving of the Transylvania County Official America 250 NC Committee.

Resolution #18-2024

Recognizing and Approving the Transylvania County Official America 250 NC Committee

A resolution of Transylvania County, North Carolina, supporting the America 250 NC committee for the United States semiquincentennial (AMERICA 250 NC).

WHEREAS, Roy Cooper, Governor of North Carolina created AMERICA 250 NC to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the United States and North Carolina's integral role in that event and the role of its people on the nation's past, present, and future; and

WHEREAS, AMERICA 250 NC has a mission to engage ALL North Carolinians and ALL 100 counties through their many signatures and officially recognized programs, projects, and events over the commemoration by inspiring future leaders and celebrating North Carolina's contributions to the nation over the last 250 years; and

WHEREAS, by adoption of America 250 NC's mission, the Transylvania County Committee is officially formed to achieve the goals of America 250 NC.

NOW, THEREFORE, BE IT RESOLVED, that the County of Transylvania hereby endorses AMERICA 250 NC and its mission; and

RESOLVED, the County of Transylvania officially establishes an AMERICA 250 NC Committee made up of a diverse group of citizens to work with AMERICA 250 NC on any and all activities. The participants of the Transylvania County Committee will be strictly voluntary roles and there will be no compensation for participation.

IT IS FURTHER RESOLVED that a copy of this resolution be sent to Transylvania County's legislative delegation and the AMERICA 250 NC Committee.

ADOPTED this 10th day of June 2024.

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

REVIEW OF CONTRACT BETWEEN TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY AND MEDIA ONE

The Transylvania County Tourism Development Authority (TCTDA) has maintained a four-year relationship with Media One, a trusted specialist in the digital marketing industry. They possess deep expertise in navigating the dynamic digital landscape, which is increasingly crucial for destination marketing efforts. Market Connections, TCTDA's marketing agency partner, creates advertisements as per the approved marketing plan, providing Media One with specific directives on target markets and other essential details. The contract format has undergone legal scrutiny and approval. TCTDA has allocated funds in its FY 2025 marketing budget to fulfill financial obligations under this contract. The Board confirmed that all review requirements mandated by County Resolution #35-2021 have been met.

REVIEW OF CONTRACT BETWEEN TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY AND MARKET CONNECTIONS

Market Connections has served as the marketing partner agency for the Transylvania County Tourism Development Authority (TCTDA) for over a decade, specializing in tourism marketing with a deep understanding of both Transylvania County's and TCTDA's promotional needs. Their expertise enables them to deliver high-quality services at a competitive price point. The contract format has been reviewed and approved by legal counsel. TCTDA has allocated funds in its FY 2025 marketing budget to fulfill financial obligations under this contract. The Board has confirmed that all review requirements mandated by County Resolution #35-2021 have been met.

FY 2025 HOME & COMMUNITY CARE BLOCK GRANT

Each year, the Transylvania County Council on Aging solicits funding requests from local aging services providers and subsequently makes recommendations based on funds allocated by the Land of Sky Regional Council. For FY 2025, the available funding totals \$323,740, with \$322,004 designated for general services and \$1,736 earmarked for legal services. The total requests from service providers amount to \$266,966, leaving an excess of \$56,774 available for allocation as the fiscal year unfolds.

Provider Summary:

- WNCSource: \$97,166 for Congregate Nutrition; \$38,059 for Home Delivered Meals; \$18,230 for Home Delivered Supplemental Meals
- MountainCare, Inc: \$12,808 for Adult Day Health; \$3,475 for Adult Day Care; \$8,955 for General Transportation
- CarePartners HHA: \$22,950 for In-Home Aide Level I- Home Management; \$53,010 for In-Home Aide Level II- Personal Care
- Transylvania County Transportation: \$6,905 for General Transportation; \$3,588 for Medical Transportation
- Pisgah Legal: \$1,820 for Legal Services

Key points about this recommendation:

- All five of these service providers are returning providers. Some requests have decreased from FY 2024 due to staffing and participant shortages, while others have increased due to inflation, expanded services, or additional staff.
- New providers will be eligible for consideration for FY 2026 funding, with the application review process beginning in January.
- Additional funding not initially requested can be adjusted throughout the year as needs arise. The amount allocated for legal services is a minimum and can be increased upon request.
- Further details regarding specific funding recommendations are available upon request.

The Board adopted the Home and Community Care Block Grant County Funding Plan for FY 2025 as presented.

APPROVAL OF UPDATED FY2025 FEE SCHEDULE

At its most recent meeting, the Board of Commissioners approved several proposed fee adjustments in conjunction with the FY 2025 Budget Ordinance. Incremental changes were authorized for Building Inspections and Enforcement, Public Health, and the New Adventure Learning Center. The staff has subsequently updated the complete County Fee Schedule to post online alongside the FY 2025 Budget Ordinance. The Board approved the updated 2025 County Fee Schedule as presented.

PRESENTATIONS/RECOGNITIONS

RECOGNITION OF CITIZEN ADVISORY COUNCIL MEMBERS

In July 2015, the Board of Commissioners established a recognition program to show gratitude to citizens volunteering their time and expertise on the County's citizen advisory councils. The Board recognizes citizen advisory council members on a semi-annual basis. This period covered January 1, 2024-June 30, 2024. The Chairman presented each attendee with a certificate of appreciation and a mug with the County logo. The Clerk extended the invitations for recognition at either of the June meetings. The Clerk will mail certificates to those who are unable to attend. The Board recognized the following:

- Mark Isabelli – Blue Ridge Community College Board of Trustees
- Alice Hardy – Library Board of Trustees
- Ellen Pratt-Harris – Joint Historic Preservation Commission
- Marcy Thompson – Joint Historic Preservation Commission
- David Carter – Transportation Advisory Committee

PRESENTATION ON OPIOID SETTLEMENT FUND PROCESS AND TRANSYLVANIA COUNTY'S STRATEGIC PLAN TO ADDRESS SUBSTANCE MISUSE

The Manager invited Public Health Director Elaine Russell to introduce this agenda item, emphasizing the County's obligation to report on funding. Ms. Russell then briefed the Board on the opioid lawsuit settlement, deferring to Kristen Gentry from the CARE Coalition for further details.

Ms. Gentry outlined the purpose of the presentation: to update the Board on the allocation process, requirements, and the County's progress in implementing recommended interventions.

Transylvania County is set to receive \$5,794,988 through 2039 from North Carolina's settlement with pharmaceutical companies and distributors for their role in contributing to the opioid crisis. The funding, frontloaded with over \$300,000 annually for the next decade, decreases to \$141,000 by 2029. Ms. Gentry highlighted that unspent funds may be carried over from year-to-year until 2039 which is crucial for leveraging additional grant funding to launch recommended initiatives by the CARE Coalition.

The Memorandum of Agreement (MOA) outlines clear criteria for funding strategies under the settlement. The County can choose interventions from two lists: Option A, which includes 12 evidence-based programs essential for all communities focusing on heavily impacted individuals of the opioid crisis, and Option B, consisting of 130 strategies tailored to address specific community needs. Selection from Option B necessitates a needs assessment and planning process every four years, which Transylvania County has completed through the CARE Coalition, thereby unlocking Option B. Both Option A and Option B allow funding of strategies beyond the recommended lists.

The CARE Coalition recommended the following interventions:

- Substance Use Response Coordinator – Option A
- Enhancement of the Jail-Based Reentry and Treatment Program – Option B
- School-Based Prevention Specialist – Option B
- Perinatal Peer Support Specialist – Option A
- Mobile Health Unit – Option B
- Recovery Court – Option B
- Support for Transitional Housing – Option A

The MOA outlines mandatory obligations and requirements for local governments in fund allocation and program implementation. Each county must adhere to the MOA and comply with North Carolina General Statutes. Counties can also impose additional local requirements to ensure full compliance with all legal regulations. From a programmatic standpoint, every funded intervention must meet precise financial and program reporting standards.

Local governments face several complexities in their role under the MOA. They can subcontract with nonprofit and for-profit organizations, but each subcontract must clearly define tangible services and timelines. However, local governments cannot delegate MOA obligations or funding decisions to these third parties. Under the MOA, funds can cover employee salaries and benefits if those employees directly work on selected strategies. They can also be used for capital assets for public use like public treatment facilities, provided these assets exclusively support opioid-related strategies. Funds cannot be allocated to third-party capital assets, such as constructing a treatment facility for a nonprofit. However, local governments can combine funds creatively (braiding funding). For instance, they can use settlement funds to cover staffing costs or support participant rent in a nonprofit transitional housing project. All expenditures must directly support programs or services, not overhead or indirect costs for either the County or third parties. Local

governments have the authority to establish fiscal and programmatic requirements, enhancing investment efficiency, accountability, transparency, community involvement, and risk mitigation.

Ms. Gentry highlighted key programmatic requirements outlined in the MOA. Funding must benefit individuals with a history of opioid use—specifically, at least 51%. Given the prevalence of substances like fentanyl and xylazine in the drug supply, meeting this criterion is expected. Treatment interventions must adhere to evidence-based practices as defined by the American Society of Addiction Medicine. All FDA-approved medications for opioid use disorder must be accessible to patients, who must not be forced to withdraw from opioids without these medications available. Programs must also comply with the Americans with Disabilities Act, ensuring individuals with opioid use disorder can continue their medical treatment without interruption.

The County is required to submit two annual reports: the Annual Impact Report and the Annual Financial Report. The Annual Impact Report for each intervention necessitates specific evaluation data to ensure it achieves its intended impact and effectively uses allocated funds to assist individuals. The data requirements vary depending on the strategy; for example, the CARE Coalition's report on Jail-Based Treatment will differ significantly from that of transitional housing. These reports follow a results-based accountability framework, focusing on progress, performance, and outcomes. Progress and performance measure the quantity and quality of activities conducted at the program level, with responsibility for data tracking lying with each program. Outcome data, on the other hand, evaluates broader population-level impacts, such as reduced overdoses, crime rates, drug use among teens, and instances of neonatal substance exposure. Achieving significant changes in these outcomes typically requires sustained progress and performance over multiple years. The Annual Financial Report must demonstrate that funds are used as intended and include a breakdown of funded strategies. It also mandates similar reporting from subcontractors or third parties involved in implementing interventions. Local financial audits ensure funds are properly managed.

In North Carolina, progress on the allocation of opioid settlement funds shows that 60 counties have authorized some portion of their funds. More than half of these counties have allocated resources to hiring or contracting staff for strategic planning, coordination efforts, and MOA compliance. However, only eight counties have opted to allocate funds under Option B thus far.

Since presenting their recommendations, the CARE Coalition has been actively advancing interventions by pursuing grant opportunities. They have two grants in progress:

1. The SAMHSA grant amounts to \$375,000 annually for five years under the strategic prevention framework. This funding focuses on prevention among school-aged youth, supporting two full-time staff to deliver evidence-based prevention programs in schools. These staff are currently employed by the CARE Coalition, enhancing their efforts specifically in youth substance use prevention. The application was submitted in February with an expected response by August 31.
2. The second grant application is for the COSSAP project's second round through the Bureau of Justice Assistance, offering \$1 million over three years. This grant would sustain a full-time therapist and reentry coordinator in the jail, along with funding a full-time community liaison to support individuals transitioning from incarceration to community services. The application deadline is July 8, with notification expected by September 30.

The Dogwood Health Trust's leverage fund has supported the grant writing process. If awarded, these grants would provide sustainability for ongoing projects and afford the Board of Commissioners greater flexibility in managing and augmenting funds. Robust evaluation data gathered throughout these grant periods will inform long-term impacts, potentially paving the way for sustained support through opioid settlement funds in the future.

Community partnerships play a crucial role in maximizing the impact of funding allocated by the CARE Coalition. Currently, the coalition is exploring a request for applications (RFA) process, similar to initiatives undertaken by other counties. This process allows organizations to propose new projects or seek funding for existing initiatives aligned with coalition recommendations. Implementing the RFA process requires dedicated county staff time to support planning, application review, post-award contracting, monitoring, and reporting. The CARE Coalition plans to establish a review committee tasked with evaluating applications based on predefined objective criteria. Subsequently, the committee will present recommendations to the Board of Commissioners for final approval and fund allocation. This approach aims to leverage community partnerships effectively, ensuring that funding supports initiatives that best serve the community's needs.

Ms. Gentry concluded her presentation by emphasizing ongoing efforts to develop community partnerships and pursue grant opportunities aligned with CARE Coalition recommendations. Recognizing the County's capacity constraints in implementing all identified recommendations, there is a strategic focus on the County serving as a fiduciary or providing sub-awards for grants. This approach aims to establish project frameworks supported by grant funding, facilitating project launch, effectiveness evaluation, staff hiring, and subsequent sustainability through opioid settlement funds post-grant period. Looking ahead, the CARE Coalition plans to provide further details on the request for application process later in the summer. They anticipate receiving updates on their grant proposals around the same time, providing clarity on the funding landscape by late summer or early fall. They look forward to collaborating with County Commissioners on future steps.

Ms. Gentry then invited questions and comments from the Board.

During the discussion, Commissioner Dalton inquired about the CARE Coalition's collaboration with the DARE program and whether they saw it as a competitive or complementary effort. He highlighted the Sheriff's Office's effective implementation of DARE in schools. Ms. Gentry responded that the CARE Coalition collaborates with school resource officers and acknowledged that DARE primarily targets 5th graders. She mentioned the coalition's efforts to complement this by focusing on grades 6-8 with different programs. The goal is to ensure youth receive ongoing education on drug and alcohol risks and develop resistance and coping skills throughout the critical middle school years. Commissioner Dalton emphasized the significant transition for children moving from 5th grade to middle school. Ms. Gentry agreed, noting that waiting until high school often means catching kids too late.

Commissioner Dalton raised a question about whether the CARE Coalition is still considering transitional housing as an option. He acknowledged its potential for significant impact despite being costly and recognized the financial constraints. Ms. Gentry agreed, affirming that transitional housing is both impactful and expensive. She mentioned that some nonprofits are exploring the expansion of their programs into Transylvania County, suggesting that the request for applications process could facilitate partnerships. This process could potentially enable the County to fund a public transitional housing facility, even though current funds may not suffice for such an initiative alone. Ms. Gentry reiterated the concept of braiding funding, wherein the CARE Coalition could support various aspects of nonprofit initiatives beyond capital assets. This approach could aid nonprofits looking to establish local programs, ensuring comprehensive support beyond physical infrastructure.

Commissioner Chapman queried Ms. Gentry about the estimated number of individuals with addiction issues in Transylvania County. Ms. Gentry explained that pinpointing an exact number is challenging due to the nature of substance use disorders. Instead, they rely on proxy measures such as overdose rates, EMS calls, children placed in foster or kinship care due to drug use, and detainees/inmates with substance use disorders. These indicators provide a broader view, although they do not offer a precise count of individuals affected by substance use disorders in the county.

Ms. Gentry elaborated that current internal services focus on prevention and jail-based interventions. Other necessary services would either need to be developed internally or outsourced to organizations with aligned missions. This strategic approach ensures comprehensive support for addressing substance use disorders in Transylvania County.

Commissioner McCall inquired about existing positions within the recommended interventions that would be expanded. Ms. Gentry responded that currently, there are five existing positions. Ms. Gentry explained that many positions are essential for program administration. Specifically, the Substance Use Response Coordinator and Jail-Based Reentry and Treatment Program each require staffing, with the CARE Coalition advocating for three positions in the latter case. The School-based Prevention Specialist and Perinatal Peer Support Specialist are also positions in consideration, with grant applications targeting two School-based Prevention Specialists. Regarding implementation plans, Ms. Gentry outlined that the Mobile Health Unit would require two full-time staff members. The Recovery Court initiative in Henderson County includes a full-time coordinator and a team of recovery support staff, some of whom are subcontracted. For the Transitional Housing program, staffing needs depend on the facility's model and size, typically ranging from three to four staff members for smaller facilities up to 15 for larger ones.

Commissioner McCall expressed concern that transitional housing might be the most challenging recommendation to implement due to the lack of available housing. Ms. Gentry acknowledged this difficulty and suggested that a viable approach would be to use the request for applications process. This process would allow the County to contract with a nonprofit that is willing to invest in capital expenditures to rent or purchase property for transitional housing, while the County supports their operational needs. Commissioner McCall reflected on ongoing concerns voiced by community members about their friends and family experiencing housing issues related to substance use disorders, describing it as a saddening situation.

Commissioner McCall asked about the location of the nearest treatment center and where individuals are transferred by the Sheriff's Office when needed. Ms. Gentry explained that it depends on the type of treatment required. Local options include detoxification units at Pardee and Advent hospitals, each offering different services. For inpatient residential treatment following detox, the closest facility is in Black Mountain, NC, but beds are limited. Ms. Gentry highlighted the challenge of lacking nearby options for continued treatment post-detox. In Transylvania County, outpatient treatment services are available, and the CARE Coalition is actively enhancing local recovery support services to address these gaps.

Chairman Chappell raised a question regarding the responsibility for ensuring that 51% of individuals served by funded interventions have a history of opioid use. He asked whether this responsibility falls on subcontractors or if the County retains accountability. Ms. Gentry clarified that these requirements must be clearly outlined in contracts with third-party subcontractors to ensure they track and meet these criteria. This accountability is crucial because the County is accountable to the MOA. The County Manager agreed, emphasizing that the County must monitor subcontractors for compliance with these requirements. They would need a process in place to address any non-compliance issues or, if necessary, withdraw from the program to maintain adherence to the MOA.

Chairman Chappell sought clarification on the definition of "previous opioid use." Ms. Gentry explained that the definition is flexible. For example, even if a client has a stimulant use disorder, they will still meet the requirement if they have a history of past opioid use.

There were no further questions. Chairman Chappell thanked Ms. Gentry for her presentation and commended the CARE Coalition for their diligent efforts in maximizing the impact of these funds on the community.

UPDATE ON PLANNING EFFORTS FOR AMERICA'S 250TH ANNIVERSARY CELEBRATION

The Board of Commissioners recently tasked the Joint Historic Preservation Commission with coordinating America's 250th Anniversary celebration. Planning and Community Development staff provided an update on their progress during a recent board meeting.

County Planner Ashley Minery reported that discussions have been ongoing with Rebecca Suddeth of the Transylvania Heritage Museum to establish a committee comprising multiple community groups. Following the Board's resolution allowing the formation of this official committee, these groups are set to convene within the next few weeks. They aim to deliver a comprehensive update to the Board of Commissioners within the next one to two months, starting with decisions on funding opportunities.

Chairman Chappell encouraged community members interested in joining the America 250 Committee to reach out to Ms. Minery at Planning and Community Development. Additionally, Chairman Chappell requested staff to publish an announcement on the County's website to further engage interested parties.

PRESENTATION BY ELECTIONS DIRECTOR ON FILLING VACANT COUNTY COMMISSION SEAT

NC General Statute § 153A-27.1 governs the procedure for filling vacancies on the board of county commissioners. Following County Commissioner Emmett Casciato's resignation on May 31, Elections Director Jeff Storey briefed the Board of Commissioners and the public on the upcoming steps. This includes filling the vacancy in the short term and scheduling a special election in November to determine a successor for the remaining two years of the term. Here is a summary of his update:

- Two-part process based on the timing of the vacancy
 - The remaining Commissioners must appoint the person recommended by the Transylvania County Republican Party Executive Committee. The party has 30 days from the date of the vacancy to make a nomination. The nominee would serve in the interim term until December 2, 2024.
 - Reference: § 153A-27.1(d)
 - Both local political parties' executive committees can nominate a candidate to be placed on the upcoming general election ballot.
 - Does not have to be the same person who filled the interim term
 - Reference: § 153A-27.1(b)
- Candidate submission deadlines
 - August 22, 2024, the deadline for the local parties to submit a candidate
 - Reference: § 163-114(a)
 - Logistical deadline: Elections staff strongly urge candidates to be submitted no later than 1st week of August 2024.
 - By law, absentee by mail ballots must be available September 6, 2024 (60 days before the election). Reference: § 163-227.10(a)
 - Ballots are proofed and printed in August to meet the deadline.
- Ballot order (separate contests)
 - County Commissioner (vote for 3)
 - 3 seats for a 4-year term
 - 6 candidates: 3 from each party nominated via primary
 - Terms expire in 2028
 - County Commissioner - unexpired term (vote for 1)
 - 1 seat for the remaining 2-year term
 - 2 candidates: 1 nominated by each local party executive committee
 - Term expires in 2026
- Unaffiliated candidates

- The petition deadline to have a name on the ballot was March 5, 2024
 - Reference: § 163-122(a)(3)
- The petition deadline to become a qualified write-in is August 7, 2024, at noon
 - Must file a Declaration of Intent with the Board of Elections
 - Must submit a petition with 100 signatures to the Board of Elections
 - Reference: § 163-123

Mr. Storey concluded his presentation and called for questions and comments from the Commissioners.

Commissioner Chapman announced that the Transylvania County Republican Party is actively seeking qualified candidates to submit their names in writing for consideration by Monday, June 17 at 5:00 p.m.

Commissioner McCall raised a procedural question: if a candidate who is already running decides to submit their name for the current vacancy, would they need to withdraw from their existing candidacy, and could they be replaced on the ballot? Mr. Storey acknowledged the complexity of the issue and committed to seeking guidance from the general counsel of Elections or the State Board of Elections. He clarified that a candidate cannot run for two separate offices on the same ballot, and any changes would require specific advice from the State Board's legal counsel.

Chairman Chappell suggested that aligning statutes related to election deadlines and vacancy filling might be beneficial when Commissioners advocate for issues affecting Transylvania County. Mr. Storey agreed, noting the challenges presented by conflicting statutes.

Chairman Chappell pointed out that while political parties have a 30-day window to nominate candidates, there is no corresponding statute governing when the County Commissioners must act on those recommendations. Mr. Storey confirmed.

Chairman Chappell further noted that since only three Commissioners will attend the June 24, 2024, meeting, he plans to schedule the appointment to fill the vacant seat on the July 8, 2024, agenda when all four seated Commissioners can be present. He emphasized that while all Commissioners' presence is not mandatory, he deemed it appropriate for such an important decision.

PRESENTATION ON QUARTER-CENT SALES TAX REFERENDUM PROCESS

The Manager presented information to the Board regarding the process and timeline for considering a quarter-cent sales tax referendum.

The Manager explained that there are three different articles of sales tax applicable across all 100 counties: Articles 39, 40, and 42. Counties face more restrictions than municipalities in their utilization of sales tax revenues. Specifically, Articles 40 and 42 allocate a portion of the proceeds for school capital expenditures, including debt service, direct capital projects, and FF&E (furniture, fixtures, and equipment). Additionally, two other articles can be levied: Article 43, which is restricted to transit purposes and is typically found in more urban areas, and Article 46, a quarter-cent sales tax that requires voter approval through a referendum. Currently, this tax is levied in 47 counties.

Most jurisdictions have implemented the quarter-cent sales tax primarily to alleviate pressure on property taxes. Unlike property taxes, sales tax affects visitors to the community as well as property owners. If the Board were to consider and voters passed a referendum, it has the potential to generate between \$1.2 million to \$1.5 million or more. Recent changes in distribution methods at the state level create uncertainty about which rule would govern these estimated revenue collections.

An advisory referendum can only be scheduled concurrently with a county or statewide general election, the primary election in even-numbered years, or any other election where all precincts within a county are open. According to N.C.G.S. § 105-537, counties are limited to one referendum per 12-month period. Passing an advisory referendum does not obligate Commissioners to implement the sales tax. If approved, the earliest effective date would be 90 days after notifying the NC Department of Revenue, which falls on the first day of the next financial quarter, specifically April 1, 2025. This sales tax excludes food and gas purchases and can be allocated for any public purpose.

For this type of referendum, the County is permitted to use funds for public education about the referendum, but the ballot itself must not specify how the revenue will be allocated. After approval, the Commissioners retain the flexibility to adjust the use of funds over time based on evolving needs. The Board of Commissioners can endorse the referendum by adopting a supporting resolution.

The Manager pointed out that initially, sales tax referendums in Western North Carolina were unsuccessful, but more counties have since passed them. To meet the ballot deadline, a referendum would need to be scheduled for a vote in July.

The Manager concluded the presentation by mentioning that the Commissioners had briefly discussed the possibility of a referendum to allocate funds for various purposes, such as education capital or a new courthouse. Once the Board of Commissioners levies the tax and collects the revenue, it will be up to the seated Board to decide how to use the funds.

Chairman Chappell reiterated that if the Board intends to place the referendum on the 2024 ballot, action will need to be taken in July.

Commissioner McCall requested further discussion over the next couple of meetings. She finds the sales tax more palatable because it excludes gas and food, items most families struggle to afford, especially given the current economy and inflation. She emphasized that the referendum allows citizens to vote on the tax rather than it being imposed on them. If the Commissioners pursue the referendum, she urged them to develop clear plans for how the funds would be utilized, considering the County's numerous capital needs.

Commissioner Chapman agreed, emphasizing the importance of thoughtful deliberation on how the funds should be allocated. He suggested that this discussion could influence whether the Commissioners decide to proceed with the referendum vote.

APPOINTMENTS

BLUE RIDGE COMMUNITY COLLEGE BOARD OF TRUSTEES

The Board of Commissioners appoints two representatives to serve on the Blue Ridge Community College Board of Trustees. Mark Isabelli was appointed to a four-year term starting July 1, 2021, but will be unable to complete the final year of his term. Dr. Laura Leatherwood, President of Blue Ridge Community College, has recommended Brian Traylor to replace Mr. Isabelli, effective July 1, 2024. Mr. Traylor currently serves as the Chief Operations Officer at Gaia Herbs and brings experience in manufacturing operations and logistics, and a deep understanding of the workforce challenges faced by rural communities. Dr. Leatherwood is confident that Mr. Traylor will be a valuable addition to the Blue Ridge Community College Board of Trustees.

Commissioner Chapman moved to appoint Brian Traylor to replace Mark Isabelli on the BRCC Board of Trustees effective July 1, 2024, seconded by Commissioner Dalton and unanimously approved.

LIBRARY BOARD OF TRUSTEES

Hannah Camenzind's term on the Library Board of Trustees is up for renewal at the end of June, and she has expressed her willingness to serve another term. However, Alice Hardy, having served two terms, is ineligible for reappointment. The Library Board of Trustees has recently reviewed the applications and recommended that Hannah Camenzind be reappointed. Additionally, they have recommended Eric Caldwell to replace Ms. Hardy upon the conclusion of her term.

Commissioner Dalton moved to reappoint Hannah Camenzind to another term and appoint Eric Caldwell to replace Alice Hardy at the end of her term, seconded by Commissioner Chapman and unanimously approved.

NURSING AND ADULT CARE HOME ADVISORY COMMITTEE

In 2017, the Federal Long Term Care Ombudsman Program revised guidelines affecting the appointment of volunteers to Nursing and Adult Care Homes Advisory Committees. The process for appointing volunteers is now as follows:

1. Citizen completes an application to serve on the citizen advisory council.
2. Citizens must undergo training provided by the Regional Ombudsman.
3. Upon completion of training, the Regional Ombudsman forwards the applicant's name to the State Long Term Care Ombudsman for approval or designation.
4. The County Commissioners are notified once the approval/designation from the State Long Term Care Ombudsman is received.

Regional Ombudsman Donna Case has informed the Clerk to the Board that applicant Jeanette Burrell has completed her training and has been approved by the State Ombudsman for appointment.

Commissioner Chapman moved to appoint Jeanette Burrell to fill a vacancy on the Nursing and Adult Care Home Advisory Committee, seconded by Commissioner McCall and unanimously approved.

OLD BUSINESS

UPDATE ON TRANSYLVANIA COUNTY SCHOOLS AIR QUALITY TEST REPORT

The Manager reported that in late 2023, as part of the Education Capital Workgroup Study by the Board of Commissioners and Board of Education, the County commissioned air quality testing completed at all Transylvania County School sites, excluding those that School staff advised had recently been tested. A firm conducted tests at 88 locations, identifying mold levels in nine tests that exceeded the mold levels in the air around the exterior of the building. Reports detailing findings are accessible for public review on the County's website.

The mold types discovered are typical for this region, as indicated by the firm's reports. Some tests detected common mold types associated with indoor plants or foot traffic bringing in materials, such as from mulched playgrounds. In nine instances of elevated mold levels, a type related to water leak damage to building materials was identified, known to exacerbate allergies and respiratory issues in susceptible individuals.

The firm recommended replacing moldy tiles from prior leaks and improving HVAC systems in two locations to better control temperature and humidity. These recommendations, part of the building assessment data, were integrated into proposed projects for HVAC and roof improvements aimed at preventing water infiltration.

Detailed summaries by school site:

- Rosman Middle/High School: One elevated mold level was found in the lower-level gym. Recommended replacement of moldy tiles. Commissioners approved HVAC funds for FY 2024, but there is a current school request to include the project with the bond improvements instead.
- Brevard Middle School: Three elevated mold tests in a corridor, theater/music room, and gym. Recommended replacement of moldy tiles and installation of a dehumidifier in the music room. HVAC improvements are currently in progress.
- Brevard Elementary: Three elevated mold tests in a classroom and two corridors. Recommended HVAC improvements, which are currently underway.
- TC Henderson: One elevated mold test in the library. Recommended HVAC improvements. Commissioners approved HVAC funds for FY 2023, but there is a current school request to include the project with the bond improvements instead.
- Brevard High School: Two elevated mold tests in a corridor and cafeteria/kitchen. Recommended HVAC improvements. Identified soiled material from a prior leak that requires cleaning in the cafeteria/kitchen.

These summaries provide a clear overview of the mold testing results and recommended actions for each school site affected.

Since receiving the reports, County staff have collaborated closely with the School System and undertook the recommended cleaning in the Brevard High School cafeteria in May 2024, utilizing a long weekend when students were not present. This area recorded the highest level of mold in the assessment, making it a priority for remediation. The County plans to arrange for the vendor to conduct post-work testing to verify the effectiveness of the remediation efforts.

County staff have noted that most of the HVAC recommendations will be addressed either through ongoing projects or funded by the bond. However, there are concerns about delays in replacing moldy tiles. To address this, staff recommended that the Board of Commissioners allocate \$200,000 from the Education Capital Fund. This funding will enable the County to collaborate with the School System to promptly purchase and install replacement tiles to mitigate the current mold issues. Some projects involving roof and HVAC replacements are scheduled for completion during the summer, regardless of bond funding. This timeline implies another year where moldy tiles may remain in the buildings. Therefore, County staff emphasized the importance of supporting the School System in swiftly making these replacements to enhance air quality within school facilities.

Commissioner McCall inquired whether the County could establish a timeline for replacing the tiles once the funding is approved by the Board. The Manager confirmed that this could indeed be arranged. Following approval, the Manager will communicate the allocated funds to the School System. Subsequently, the School System staff will determine the specifics of procurement and project management. The County will be involved as a party to the contract and will directly compensate the vendor in accordance with newly approved protocols. This approach ensures the County can offer funding availability and allows staff to provide regular updates to the Commissioners based on progress reported by school staff.

Commissioner McCall directed a question to School Superintendent Dr. Lisa Fletcher, who confirmed that she saw no foreseeable obstacles to replacing the tiles before the start of the school year, aside from any potential delay related to the ongoing piping project at Pisgah Forest Elementary. Commissioner McCall emphasized the importance of alignment between the County and School System once the funding is approved, ensuring both entities work in tandem to prioritize and complete the tile replacement promptly.

Commissioner McCall raised concerns about the cancellation of two HVAC projects by the School System and asked if there were worries about not addressing potential air quality issues if those projects are cancelled.

The Manager acknowledged this concern, stating that while the projects were cancelled for FY 2024 funding, they are slated for funding through the bond projects. She anticipated that all HVAC needs would be met either in current projects or within the bond timeline. The Manager emphasized the importance of ongoing attention, especially after replacing the ceiling tiles, to promptly address any mold issues that may arise. Currently, the County is fortunate not to be faced with choosing one project over another; the focus is on funding sources and timing. This approach allows staff to prioritize replacing moldy tiles, addressing immediate concerns while ensuring that larger HVAC projects are covered by bond funding in the near future.

Commissioner McCall inquired whether the most concerning elevated tests had been addressed, and the Manager confirmed that corrections had been made. She assured the Commissioners that she would update them once the follow-up testing results were available, although the testing itself had not yet been conducted.

Commissioner Chapman addressed a concern raised during public comment about the tax increase funds for the bond, clarifying that these funds are specifically allocated to the Education Capital Fund, not the general fund. He reassured the public that these funds are earmarked for educational purposes. The Manager emphasized that while future Boards could potentially change allocations, the current practice has been consistent. County staff have regularly reported on this process, affirming that the Education Capital Fund serves as a strategic management tool for handling contracts across fiscal years and setting funds aside for educational projects. The Manager agreed that there might be confusion about these mechanisms but affirmed that it has been the established practice in Transylvania County to allocate funds to the Education Capital Fund for ongoing projects. This structure allows the School System to manage and execute projects at their own pace, unaffected by bond or referendum expirations, ensuring continuity in funding and project implementation.

Commissioner Chapman moved to approve funds totaling \$200,000 from the Education Capital Fund to move forward with recommendations from the air quality testing reports, seconded by Commissioner Dalton and unanimously approved.

NEW BUSINESS

UPDATE OF VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE

The County's Agricultural Agent, Bart Renner, recommended changes to the Voluntary Agricultural District Ordinance at the previous Board of Commissioners meeting. He emphasized that these updates will not affect the operational process. He expressed appreciation to the Board for considering the updated ordinance, which ensures the County's compliance with relevant statutes.

Commissioner Dalton moved to make necessary updates to the Voluntary Agricultural District Ordinance, seconded by Commissioner McCall and unanimously approved.

REQUEST TO PLACE SUBMARINE ANCHOR AT ENTRANCE OF THE VETERAN'S HISTORY MUSEUM OF THE CAROLINAS

The Manager informed the Board that the Veterans History Museum of the Carolinas has requested to install an anchor from the Benjamin Franklin class of submarines at its entrance. The primary concern is ensuring the anchor's safe placement and compatibility with Maintenance staff procedures. Operations staff will collaborate closely with Museum personnel to ensure the anchor is securely and stably positioned.

Commissioner Chapman viewed this as a valuable enhancement for the Museum and emphasized the importance of addressing any safety considerations. He proposed drafting an agreement that allows the Museum ownership of the anchor in the event of relocation, which the Manager agreed to coordinate with the County Attorney to finalize. The agreement will also stipulate that if the County requests the anchor's relocation in the future, it will be the Museum's responsibility to relocate it.

Pending approval, the Manager will assign Operations staff to work with the Museum on the logistics of installing the anchor.

Commissioner McCall moved to approve the request to place a submarine anchor at the entrance of the Veterans History Museum of the Carolinas, seconded by Commissioner Dalton and unanimously approved.

2024-2025 NCACC LEGISLATIVE GOAL PROPOSALS

Every two years, prior to the long session of the General Assembly, the North Carolina Association of County Commissioners (NCACC) undertakes a process to establish legislative goals that benefit counties. This process starts with counties submitting their proposed legislative goals, which are then voted on by county boards and confirmed through a resolution by the county board chair.

Following the goals submission deadline, all eligible submissions are forwarded to the relevant NCACC Steering Committees responsible for each issue. These committees review the goals and make recommendations to the Legislative Goals Committee. The Legislative Goals Committee evaluates each goal and decides which ones to advance to the NCACC Board of Directors for final consideration.

The NCACC Board of Directors subsequently reviews and approves a set of recommended goals, addressing any required technical adjustments. The board presents this goals package for review by all 100 counties at the culminating NCACC Legislative Goals Conference. Each county appoints a voting delegate to attend the conference, participate in goal voting, and rank them by priority. This year, the NCACC Legislative Goals Conference is scheduled for November 14-15, with the NCACC legislative agenda finalized by early December.

All goal proposals must be submitted by August 23 and should include a clear goal name, details on how it will benefit local government, and any necessary supporting documentation or data. Staff require sufficient time to draft the goal's language and compile supporting materials, aiming for final approval no later than the second meeting in July. Typically, the first meeting in August is canceled, and the second meeting in August occurs after the approval deadline. Staff will schedule this item on upcoming meeting agendas for thorough discussion and approval in July.

The Commissioners discussed and added the following items for consideration. They also instructed the Clerk to the Board to provide them with last year's goals for review at the next meeting:

1. Implementing a differentiated tax rate for nonresident parcels, a common practice in many states. Advocacy for this change spans across eastern and western North Carolina, but proposed legislation has been delayed by the counties in the Piedmont.
2. Ensuring Medicaid Hold Harmless rules align for counties and municipalities, as originally promised by the General Assembly when other revenue sources were adjusted years ago.
3. Increasing lottery funds allocated to schools.
4. Securing additional PILT funds for state and national forest lands (federal)
5. Allowing greater flexibility in the use of occupancy tax dollars, currently restricted by statute.
6. Granting local flexibility on school calendars to better align with educational needs.
7. Advocating for increased funding for NC Pre-K and other initiatives aimed at enhancing early childhood education.

MANAGER'S REPORT

The Manager reported the following:

- Commissioners Chapman, Dalton, and McCall will travel to Raleigh tomorrow for their respective NCACC Steering Committee meetings, followed by County Advocacy Day on Wednesday with State Legislators.
- County and School staff convened this morning and discussed:
 - Reimbursement issues, corrections, and additional eligible reimbursements with proper documentation
 - Timing consideration for the Public School Facilities Grant Application
 - Review of HVAC project history and timeline; TCS will request additional funding due to overcommitted funds for current project commitments, with detailed explanations to be submitted for the June 24 meeting.
 - Timelines for boiler orders; the BOE plans to approve the contract next week, with documentation expected by Friday for approval at the June 24 BOC meeting. BOE to follow the contracting process implemented by the Commissioners. These contracts will follow the process outlined by commissioners.
 - Strategies for improving communication, preventing errors, and coordination
 - Continuation of monthly capital meetings
 - Regular Budget reports
 - New process for projects costing \$90,000 or more

PUBLIC COMMENT

The public comments reflect the speakers' opinions or points of view.

Peter Mockridge: Mr. Mockridge requested that Commissioners speak clearly into the microphones due to difficulty hearing. He commended the Manager for her clear presentations during meetings.

Don Surette: Mr. Surette announced the upcoming annual RiverFest in Rosman on Saturday from 10:00 a.m. to 3:00 p.m. He encouraged attendance, noting events for all age groups.

David Morrow: Mr. Morrow, President of the Board for the Veterans History Museum of the Carolinas, thanked the Commissioners for permitting them to place a submarine anchor at the museum entrance. He mentioned it would complement the old cannon currently on display and expressed hopes of identifying its serial number or markings to uncover more about its history.

Peter Offen: Mr. Offen emphasized the challenges and responsibilities of public service. He expressed deep appreciation for the County staff's hard work, dedication, research, and vision, highlighting their informative and friendly responsiveness whenever he sought information. He encouraged Commissioners to emulate this level of commitment. He brought attention to recent statements made by Commissioners regarding tax payments and wastewater management, noting discrepancies and legalities. Mr. Offen pointed out that overpaid taxes are legally mandated to be returned with interest within a three-year statute of limitations under N.C.G.S. § 105-266. He underscored the importance of thorough research in public service. Mr. Offen criticized the County's handling of capital funds allocated for wastewater projects, stressing that millions remain unused despite state funding. Encouraging strategic planning and vision from the Commissioners, Mr. Offen urged them to develop a detailed plan for the County's future rather than relying on inaction. He reiterated his call for Commissioners to donate their pay to the School System until issues are resolved, emphasizing accountability and leadership.

COMMISSIONERS' COMMENTS

Commissioner Chapman took a moment to reflect on recent events and expressed his personal gratitude to Commissioner Emmett Casciato for his nearly two years of service to the Board and the community. He

acknowledged that despite recent challenges, Commissioner Casciato's contributions were significant, particularly in founding the military museum, which stands as a testament to his vision and dedication. Commissioner Chapman conveyed his best wishes to Mr. Casciato for the future.

Commissioner McCall extended congratulations to all the upcoming graduates and wished them success in their future endeavors.

Chairman Chappell expressed appreciation for the dedication of public service workers, especially in light of recent automobile accidents across the county. He highlighted their selfless commitment and acknowledged the community's gratitude for their sacrifices in times of need.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Dalton moved to adjourn the meeting at 5:41 p.m., seconded by Commissioner Chapman and unanimously carried.**

Jason R. Chappell, Chairman
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board