

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
JULY 22, 2024 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in a regular meeting on Monday, July 22, 2024, 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, Teresa McCall, and Chase McKelvey. County Manager Jaime Laughter and Clerk to the Board Trisha Hogan were also present. County Attorney Megan Silver participated remotely via Zoom meeting software.

Media: Jon Rich – *The Transylvania Times*

There were approximately 25 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 6:02 p.m.

WELCOME

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

PUBLIC COMMENT

The comments represent the speakers' opinions or points of view.

Lisa Rodke: Ms. Rodke expressed concerns about the sales tax referendum that is being considered by the Board. She acknowledged that the tax would generate additional revenue and not apply to food or gas. However, as a certified nurse assistant in-home care, she highlighted that some elderly clients spend more on incontinence products than on essential items like food and gas. Ms. Rodke suggested exempting pharmacy purchases from the sales tax. She also emphasized her worry about the lack of earmarked purposes for the revenue. Ms. Rodke noted that the property tax increase in 2018 was levied for specific school bond projects, not the “band-aid” approach currently underway. She urged the Board to promptly sell the school bonds expressing fear that the Board may repurpose the funds for other projects. She emphasized that voters may not support a sales tax without a designated purpose, especially given that the Board has not allocated the previous tax increase for its intended purpose.

Alice Wellborn: Ms. Wellborn contested the accuracy of information presented by the Manager at the July 8 Commissioners' meeting about the wrestling facility. She clarified that at a March 18 meeting with key officials, the schools provided a phase one project list, noting some items were completed or removed by the School Board. Ms. Wellborn claimed the Manager asked the School Board to keep these items on the list to secure more funding, despite the School Board voting to remove the wrestling facility, which was never approved. She also said the Manager raised a Title IX concern at a wrestling event, which was resolved by relocating wrestling to a facility with appropriate locker rooms. Ms. Wellborn accused the Manager of misrepresenting the Superintendent's email, which clarified that leaving the removed items was for funding purposes, not project completion. She criticized the Manager's handling of Title IX issues and the false claim of School Board approval, calling it unethical and a conflict of interest. Ms. Wellborn proposed that the

School Board have its own project manager and suggested Commissioners focus on their responsibilities, like the courthouse, rather than interfering in School Board matters.

Jane Mallwitz: Ms. Mallwitz expressed frustration over the \$1,352 she paid monthly in her previous hometown due to progressive tax policies, contrasting this with gratitude toward the Board of Commissioners for their conservative fiscal policies. She emphasized the impact this tax burden could have on struggling families and seniors on fixed incomes in Transylvania County. She argued that people are leaving areas with progressive tax policies, underscoring the importance of maintaining strong conservative leadership in Transylvania County.

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 McCall moved to approve the Consent Agenda as submitted, minus Item H. Approval of Land of Sky Rural Planning Organization Draft Regional Impact Local Input Points List, 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 July 8, 2024. The Board approved the minutes as submitted.

DISCOVERY, RELEASE, AND MONTHLY SETTLEMENT REPORT - JUNE 25-30, 2024

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 the period June 25-30, 2024, tax dollars released totaled \$255.60, and refunds issued amounted to \$1,487.40. The Board approved the June 25-30, 2024, Discovery, Release, and Monthly Settlement Report as presented.

CANCELLATION OF AUGUST 12TH BOARD OF COMMISSIONERS MEETING

Following the annual budget approval, the Board of Commissioners typically cancels a summer meeting to accommodate staff vacations. With no urgent matters scheduled for August 12, 2024, the Board cancelled the meeting and directed the Clerk to the Board to inform the public by publishing and posting the necessary notice.

OUT OF STATE TRAINING REQUEST BY LIBRARY

The Association of Bookmobile and Outreach Services Conference is scheduled for October 15-17, 2024, in Indianapolis, IN. The conference will provide valuable continuing education opportunities and networking sessions, offering insights into collaborative and innovative library services beyond traditional boundaries. Key topics at the conference include school and community partnerships, targeted outreach strategies, marketing, and more. Major bookmobile vendors will showcase demonstration vehicles, which is timely for Transylvania County as the Library's 17-year-old bookmobile nears the end of its lifespan. Attending this

conference will enable Brenda Ivers, Bookmobile Specialist, and Kelly McBride, Community Engagement Librarian, from the Transylvania County Library to stay updated on the latest advancements in bookmobile services. This knowledge will help them make informed decisions about the future of bookmobile services in the County. Funds for attending the conference have been allocated in the Library's FY 2025 Budget. The Board approved the request for out-of-state travel for the two staff members.

OUT OF STATE TRAINING REQUEST BY SHERIFF'S OFFICE

The Transylvania County Sheriff's Office (TCSO) requested approval for one staff member to attend a pistol course at the Global Tactical Training Group in Fleming, GA, scheduled for November 19-20, 2024. Funds for this training were allocated in the TCSO's FY 2025 Budget. The Board approved the out-of-state travel request for the TCSO staff member to participate in this course.

DONATE SURPLUS AMBULANCE TO BLUE RIDGE COMMUNITY COLLEGE

The Manager has designated a 2012 ambulance as surplus. Blue Ridge Community College has expressed interest in using it for training purposes. N.C.G.S. § 160A-280 allows a county to donate surplus property to a nonprofit organization incorporated in the United States. Before donating, the County is required to publicly announce its intent to donate the property and subsequently adopt a resolution approving the donation at a separate meeting. Staff have met the posting requirement and requested approval of the donation via the adoption of a resolution. The Board approved the donation of a surplus ambulance to Blue Ridge Community College via adoption of the following resolution:

RESOLUTION #21-2024 APPROVING DONATION OF SURPLUS AMBULANCE TO BLUE RIDGE COMMUNITY COLLEGE

WHEREAS, The Transylvania County Manager has declared a 2012 ambulance as surplus and removed it from service; and

WHEREAS, Blue Ridge Community College has expressed interest in using it for training purposes and has requested the County donate it to them; and

WHEREAS, North Carolina General Statute §160A-280 allows a county to donate surplus property to a nonprofit incorporated in the United States upon posting public notice at least five days prior to the adoption of a resolution approving the donation; and

WHEREAS, Transylvania County has met the posting requirements outlined in North Carolina General Statute § 160A-280; and

WHEREAS, County staff recommend the conveyance of the 2012 ambulance to Blue Ridge Community College at no cost;

NOW, THEREFORE, the Board of Commissioners of Transylvania County does hereby approve the donation of a surplus 2012 ambulance to Blue Ridge Community College at no cost.

This the 22nd day of July 2024.

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

REGISTER OF DEEDS FEE CHANGE

The Register of Deeds requested approval to update the department's fee schedule to align with statewide changes for FY 2025. If approved, notary fees would increase from \$7 to \$8 for one signature, \$8 to \$9 for two signatures, and \$9 to \$10 for three signatures. This adjustment would bring consistency with fee changes already implemented by other departments. The Board approved the updated notary fees in the FY 2025 Fee Schedule for the Register of Deeds.

APPROVAL OF LAND OF SKY RURAL PLANNING ORGANIZATION DRAFT REGIONAL IMPACT LOCAL INPUT POINTS LIST

The Board removed this item from the Consent Agenda for further discussion and separate action.

PERMISSION FOR EMERGENCY SERVICES TO APPLY FOR A SEARCH AND RESCUE GRANT

Emergency Services has requested permission to apply for a Search and Rescue Grant totaling between \$24,930 and \$31,610. This funding would be used to acquire crew and victim transportation equipment, including an all-terrain vehicle and a Joelette trail wheelchair for transporting victims or patients. The equipment is essential for improving response capabilities in wilderness areas, facilitating quicker and more efficient rescues, and transporting patients and crews safely back to base. If awarded, Emergency Services will be required to provide a one-time 20% match ranging from \$4,986 to \$6,323, which is available within the Emergency Management budget. The Board granted permission for Emergency Services to proceed with the application for the Search and Rescue Grant.

REMOVED FROM CONSENT AGENDA FOR DISCUSSION

APPROVAL OF LAND OF SKY RURAL PLANNING ORGANIZATION DRAFT REGIONAL IMPACT LOCAL INPUT POINTS LIST

In North Carolina, the Department of Transportation (NCDOT) utilizes the Strategic Transportation Investments (STI) Law to prioritize transportation improvement projects through the Prioritization Process (SPOT 7.0). This process involves Regional Planning Organizations (RPOs) submitting Regional Impact Local Input Points for projects within their planning areas, with the approval of local governments.

On July 9, 2024, during the Transportation Advisory Committee (TAC) meeting, Vicki Eastland from the Land of Sky RPO presented the draft Local Input Points List, which includes five projects in Transylvania County. The TAC recommended approval of the list by the Board of Commissioners.

County	Route	From	To	Improvement Type	Cost Estimate	SPOT Score	Local Priority	RPO Score	Points Assigned
Transylvania	US 64/US 276		SR 1512 (Ecusta Rd.)	Improve Intersection	\$2,300,000	39.2	1	78	100
Transylvania	US 64		S. Broad St/S. Caldwell St.	Improve Intersection	\$14,300,000	44.45	2	76.75	100
Transylvania	US 276 (East Main St.)		Elm Bend Rd/E. Main St.	Multi Intersection Improvement	\$6,600,000	19.31	3	53.79	100
Transylvania	US 64 Rosman Hwy	SR 1337 (Clement Rd.)	Park n Ride Lot South of NC 178	Widen to 4-lane Median Divided	\$136,600,000	21.11	4	50.08	100
Transylvania	US 64	S. Broad/S. Caldwell	Median (Red Sky Knoll)	Access Management	\$58,100,000	25.18	5	47.99	100
LOSRPO Regional Impact Total Local Input Point Assignment									1200

Staff advised that the next steps are:

1. The Board of Commissioners reviews and approves the list.
2. Upon County approval, the list will proceed to the Land of Sky RPO's TAC for final approval.
3. The approved list will then be submitted to NCDOT's Raleigh offices for review and inclusion in the State Transportation Improvement Program (STIP) for 2026-2035.

Commissioner McCall noted that while NCDOT does not require the County's permission to set project priorities, she believes the widening of US 64 Rosman Highway to a four-lane for \$136 million should be a higher priority. She emphasized the project's long-standing need in Transylvania County and its importance for economic development, particularly with upcoming water and sewer connections along that corridor. Commissioner McCall expressed concern about the high costs of the five listed projects and hoped that NCDOT could optimize the use of funds given the current countywide road conditions. She questioned if the County could influence the prioritization of this project.

Chairman Chappell, recalling his previous service on the RPO, clarified that the Board does not set project priorities but rather approves or assigns local input points to projects. He confirmed that each project has received the maximum allowable points.

The Manager supported Chairman Chappell's statement, explaining that the SPOT score, a formula provided by NCDOT, dictates some of the points assigned to projects.

Commissioner McCall asked if the Board could formally express their preference for prioritizing the US 64 widening project. Both Chairman Chappell and the Manager confirmed that this is possible.

Commissioner McCall also mentioned that NCDOT has already purchased the right-of-way for this project, underscoring its readiness for advancement.

Chairman Chappell suggested that staff should send a letter to the RPO requesting that the US 64 Rosman Highway widening project be considered the highest priority.

Commissioner Dalton moved to approve Item H. Approval of Land of Sky Rural Planning Organization Draft Regional Impact Local Input Points List, with the caveat of including a letter expressing the Board's desire to make the US 64 Rosman Highway 64 widening project the highest priority, seconded by Commissioner McCall and unanimously approved.

PRESENTATIONS/RECOGNITIONS

TRANSYLVANIA ECONOMIC ALLIANCE ANNUAL REPORT

Burton Hodges, Executive Director of the Transylvania Economic Alliance (Alliance) presented the organization's annual report. This is a summary of this presentation:

The Alliance is a 501(c)(3) organization with two full-time staff members and a 17-member Board of Directors, including elected officials, and representatives from the private and non-profit sectors. He acknowledged members of the Executive Committee in attendance – Sheila Carland (Chair); Brian Traylor (Past Chair); and Jim Cruickshank (Treasurer). Funded by Transylvania County, the City of Brevard, and local private sector partners, the Alliance is a public-private partnership dedicated to fostering economic development. Its mission is to create meaningful job opportunities and shift the tax burden from residents to the corporate and industrial sectors.

The Alliance is dedicated to expanding and retaining existing industries, attracting new industries, and product (sites and buildings) development to boost the tax base, create high-wage jobs, and build long-term

economic capacity. This focus helps Transylvania County compete for national and international economic projects.

Mr. Burton highlighted the Alliance's strategic approach to diversifying its funding, securing \$28,000 in new private investment and \$25,000 in grant support for marketing initiatives. Additionally, the Alliance hosted its first large-scale networking event and annual meeting, and published its inaugural physical annual report, thanks to a new partnership with a marketing agency that has modernized the organization's communications.

Each year, the Alliance engages in strategic meetings with key local industries. It targets five key markets: Advanced and Niche Manufacturing, Outdoor Products Manufacturing, Biotechnology and Life Sciences, Creative and Professional Services, and Hospitality and Tourism. These sectors align with the community's strengths and the growth priorities identified by the NC Department of Commerce and other state partners. They offer significant resources to enhance efforts in attracting and supporting industries.

The Alliance's retention and expansion efforts are sharply focused on safeguarding existing industries. Central to economic development is supporting current businesses to ensure their long-term viability. Each year, the Alliance aims for at least 30 targeted visits to local industries to offer assistance and support. This year, 36 visits were completed. In addition, the Alliance provides ongoing support by connecting businesses with federal and state resources, identifying expansion opportunities, and offering other economic development resources.

In recent years, the Alliance has strategically focused on enhancing workforce development and raising awareness of manufacturing careers. This year, it launched the "Work Local Transylvania" apprenticeship program, a collaboration with private industry and Blue Ridge Community College. The program aims to educate students and underemployed residents about manufacturing careers through in-school and out-of-school activities, including a "Manufacturing Day" where Brevard and Rosman High School students toured five local manufacturers. Nine participants joined the pilot apprenticeship program, with two selected after interviews with local manufacturers. The Alliance plans to expand the program in the upcoming fiscal year.

Marketing and attraction are central to the Alliance's strategy. This year, the Alliance surpassed its marketing activity targets by focusing on high-profile real estate sites and commercial and industrial brokers. Additionally, the organization concentrated on industry-specific areas, including Biotechnology and Life Sciences and Outdoor Equipment Products Manufacturing.

The Alliance aims to attract 60 leads annually—companies interested in relocating to the community. A lead becomes an active project when a physical or virtual visit occurs. This year, due to limited available properties, only 11 leads were converted into active projects, representing \$260 million in new investment and 483 potential jobs. Projects that could not be pursued due to a shortage of buildings and sites amounted to \$16 billion in potential investment and 20,000 jobs. Despite these challenges, the Alliance successfully announced several economic development projects, including a notable industry retention project. The highlight of the year was the progress on the Brevard Staytion project, which is nearing fruition.

Reflecting on the Alliance's 10-year presence in Transylvania County, Mr. Hodges highlighted its achievements: \$154 million in new investment, 406 new jobs, and 60,000 sq. ft. of Class-A industrial space. These accomplishments have supported the retention and expansion of existing industries. The Alliance plans to further expand industrial space by an additional 40,000 sq. ft. through ongoing product development and partnerships. Mr. Hodges emphasized that Professional, Scientific, and Technical Services, along with Manufacturing, have been pivotal, contributing to over 97% of new job growth in the past decade.

Job creation in the community mirrors broader economic trends observed by the Alliance. High-wage sectors such as Architecture and Engineering, Life, Physical and Social Sciences, Management, and Business and

Financial Operations are growing, providing opportunities for recent graduates. Over the past decade, average wages across all industry sectors have increased by 35%.

Mr. Hodges shared key points from the Alliance's recent strategic plan update. The Alliance will maintain its emphasis on business retention and expansion, a core aspect of economic development. This year, the focus will be on enhancing workforce development programs to supply qualified candidates for industry growth. As more projects inquire about workforce training, qualifications, and recruitment, connecting young people and underemployed residents with these opportunities becomes crucial for long-term economic development.

The Alliance will maintain a strong emphasis on external marketing. Despite limited inventory, the goal is to uphold a competitive and prominent brand among state partners and allies that support economic development.

The Alliance aims to use its leadership to advocate for a stronger regional economic development entity in Western North Carolina, a rapidly growing area that currently lacks such an organization. By leveraging its leadership and marketing efforts, the Alliance seeks to secure funding and resources for product development. Expanding product development is crucial for the community's long-term economic success. Currently, only one property is available for large industries, but it requires \$1.5 million in repairs.

To enhance product development capacity, the Alliance is working with the County to expand the Sylvan Valley Industrial Building and exploring other long-term projects, including evaluating a large tract of land between US 64 and Old US 64 for its economic potential. The Alliance is also continuing its lobbying efforts in Raleigh to support the redevelopment of the Ecusta property, aiming to boost the tax base and create jobs. Significant effort has been invested in this property, and State assistance is crucial to mitigate risks for its successful development. Additionally, the Alliance has allocated \$9,000 this year for due diligence on smaller buildings for future marketing opportunities.

Mr. Hodges concluded his presentation by thanking the Board for its support, commitment, and partnership, which are vital to the Alliance's success. He invited comments and questions from the Board.

Commissioner Chapman expressed gratitude for Mr. Hodges' efforts, acknowledging the challenges posed by limited available properties.

Chairman Chappell praised the Alliance's accomplishments over the past decade and expressed confidence in their long-term benefits for the County. He congratulated Mr. Hodges, his staff, and the Alliance Board for their dedication and innovative marketing strategies for Transylvania County.

Commissioner McKelvey expressed enthusiasm for the continued partnership with the Alliance and Mr. Hodges, looking forward to the future of Transylvania County.

MONTHLY CAPITAL UPDATE

The Board of Commissioners requested that the County Manager provide monthly updates on the status of capital projects during regular meetings. Although progress may not always be visible to the public, significant behind-the-scenes work is essential for advancing projects.

The Manager encouraged the public to visit local governing bodies' websites to view board meetings and stay informed about their actions. She also highlighted that the public documents referenced in her presentations are available as public records.

The Manager updated the Board on capital projects, highlighting the following:

- There are currently over \$150 million worth of projects either in development, underway, or planned.

- Approximately \$30 million in grant funding has been allocated, excluding broadband funding that is directly benefiting providers within the community.

Fix Transylvania County Schools

- County staff are progressing with the bond sale process.
- Discussions with the County's financial advisors about the scopes of work are complete, and the financial process is underway.
- The bond sale is on track for completion in October.
- Bond funds will be available for investment in the schools by November.

Fix Transylvania County Schools – Cash Funding

County government is responsible for developing funding plans for capital projects. In North Carolina, counties act as fiduciaries for school system capital funding, as school systems are not allowed to incur debt for capital improvements. Therefore, County Commissioners are responsible for ensuring that these funds are used appropriately.

As part of the funding plan, cash funding was allocated for certain projects. The Commissioners have funded the following projects to date, based on the March recommendation and additional requests that emerged:

- **Air Quality:** Testing, initiated and funded by the Commissioners in December 2023/January 2024, was completed. Recommended cleaning was finished by May 2024. In June 2024, Commissioners allocated \$200,000 for moldy ceiling tile replacements. The School System is currently seeking quotes, and work on this project is expected to begin soon.
- **HVAC Boilers:** Urgently needed for winter 2024-2025, the School System's boiler purchases for BMS, PFE, and RHS were funded with a total allocation of \$395,270, down from the original estimate of \$577,064 due to competitive quotes. County staff have arranged for direct payment to the vendor upon receipt of invoices.
- **Athletic Facilities:** The Commissioners approved athletic projects from the March recommendations that can proceed independently of the larger bond projects. The Board of Education will finalize alternatives within the project budgets, totaling \$4.3 million, including:
 - BES Playground: \$300,000
 - BHS Pre-engineered Building for Wrestling: \$1.2 million
 - RES Playground: \$500,000
 - RMS/RHS Football Field: \$2.1 million
 - TC Henderson Pedestrian Bridge and Playground: \$203,500
 - Replacement of Softball Field Lighting at BHS due to water infiltration: \$150,000 (Manager recommended approving this project through the Education Capital Fund).
- **HVAC Projects Shortfall:** \$412,121 from the Education Capital Fund was allocated to address a portion of the shortfall in ESSER-funded HVAC projects. Additionally, the Board of Education was permitted to transfer up to \$500,000 from its current expense fund balance to its capital fund balance to cover the remaining shortfall by June 2024. The Board has since identified funds within its current budget to cover this remaining amount. However, the Board of Education's auditor did not consider the project an emergency, as required by statute. The Manager has offered to meet with the auditor to clarify the appropriation process and the issue of over-appropriation due to the Board's error. The Manager is awaiting confirmation on whether the auditor agrees to this meeting.
- **BHS Structural Maintenance:** The structural maintenance and repair of glu-lam beams at the BHS cafeteria and old gym, totaling \$106,000, was approved by Commissioners in June 2024. Approval of the contracts is on the Board of Education's July 22, 2024, agenda. The Manager recommended authorizing the contract signing pending their approval, allowing the County to pay the vendor directly upon receipt of invoices.

- **Additional Funding:** \$421,038 was added to the Education Capital Fund for the following in July 2024:
 - Assessing and repairing the retaining wall at RHS
 - Evaluating and removing underground storage tanks
 - Securing a design professional for Phase 1 of the BHS renovation project to address leaking roofs affecting the JROTC office.

Fix Transylvania County Schools – Funding Plan/Bond Funds

The Manager reported that, following endorsement by both Boards, projects already funded or completed since the building assessment were removed from the list. The next step involved adding three new projects to the Step One Investment list based on recommendations from the consultant during the scoping process, leading to the development of detailed scopes of work.

Bond funding operates like a loan: it requires defined scopes of work. This process is similar to securing a mortgage for a home, where detailed building plans must be in place before loan approval, ensuring that the home's value justifies the loan amount.

- **General Obligation Bonds:** These are financed by the county because schools cannot secure financing without the county's commitment to repay. The county is accountable to the Local Government Commission (LGC) and the Internal Revenue Service.
- **LGC Review:** LGC staff are assessing whether the planned scopes of work are feasible to complete 85% of the listed projects within three years.
- **Bond Sale Plan:** The county's financial advisor recommends a first tranche sale of \$50.5 million plus issuance costs in October. Remaining projects from the Step One Investment and additional needs identified in the study will be included in a second sale in 2028, up to the \$68 million bond capacity approved by voters. A common misconception is that voters approved a tax increase, but they actually authorized the County Commissioners to finance up to \$68 million. This nuance can be confusing, especially since discussions around referendums often include potential tax rate impacts. The initial expectation was that the first payment would occur in 2020, which is why the tax increase was implemented then. However, timelines have shifted based on updates from the School System and the subsequent development of the current plan.
- **Project Management:** Managing these projects will be complex and requires careful oversight to stay on track. The LGC expects the scopes of work to be completed with the bond funding, and each project has an attached budget. It is crucial to control scope creep to prevent depleting funds before project completion.

Fix Transylvania County Schools

The scopes of work reflect the Step One Investment recommended by a work study group, which included the Manager, Superintendent, a retired Manager, a retired Superintendent, and the building assessment consultant.

Projects 1-8 are included in the first tranche of the bond sale for \$50.5 million. Projects 9-13 are potential candidates for funding in 2028. The Board of Commissioners may also consider these projects for cash funding. An "Annual Funding Projects" list allows the Board to review and fund projects annually through capital appropriations. This approach aligns with statutory expectations, enabling the Boards of Commissioners and Education to manage projects with a multi-year plan using either cash or financing.

Tab Name	Project Title:	Recommended Project Year:	Total Cost	Total with Escalation Cost
01 - UST	Underground Storage Tank Removal.	2025	\$ 2,276,313	\$ 2,414,940
02 - Fencing	Installation of Additional Fencing.	2025	\$ 343,744	\$ 364,678
03 - Security Systems	Security System Upgrades.	2025	\$ 2,784,895	\$ 2,954,495
04 - BHS Project #1	Brevard High School Renovation Project Phase 1.	2025	\$ 2,799,779	\$ 2,970,285
05 - BHS Project #2	Brevard High School Renovation Project Phase #2.	2026	\$ 8,748,094	\$ 9,559,278
06 - Brevard Area Renovations	Brevard Area Renovations	2026	\$ 13,428,598	\$ 14,673,792
07 - Rosman Area Renovations	Rosman Area Renovations	2025	\$ 15,748,216	\$ 16,707,282
08 - Asphalt Improvements	Asphalt Pavement Improvements Phase 1.	2026	\$ 1,149,220	\$ 1,255,784
09 - Annual Funded Projects	Annual Funded Projects	2030	\$ 2,409,390	\$ 2,409,390
B10 - Asphalt Improvements 2	Asphalt Pavement Improvements Phase 2.	2030	\$ 371,002	\$ 456,285
B11 - Shingle Roof Replacements	Shingle Roof Replacements at Multiple Schools	2030	\$ 292,680	\$ 359,960
B12 - BHS & Plant Ops Roof	Brevard High and Plant Operations Roof Replacements	2030	\$ 2,349,509	\$ 2,889,600
B13 - Rosman Area MEP Replace	MEP Replacements	2031	\$ 1,279,120	\$ 1,620,350

Create Jobs and Safe Community

- **EMS Main Station:** Completed under budget.
- **Sylvan Valley Industrial Building Phase 2:** Contract signed; earthwork is set to start in August.
- **Hart Road Flood Mitigation:** Design and right-of-way work are underway in collaboration with NCDOT, with completion expected by the end of 2025.
- **New Courthouse:** Plans are advancing through stakeholder meetings to finalize programming. Architects will present recommendations to the Board of Commissioners in the coming months. Once this information and tranche one bond payment details are available, staff will refine the Board's capital planning list in the fall.

Project Transylvania Natural Resources

- **Water and Sewer System Interconnection:** The interconnection project between the Town of Rosman and the City of Brevard for emergency situations is awaiting NCDOT encroachment approval before bidding.
- **Landfill Expansion:** Design is underway for a new landfill cell to extend the County landfill's lifespan, with construction slated for completion by July 2025.
- **Streambank Restoration:** Emergency water protection streambank restoration projects, necessitated by damage from Tropical Storm Fred, are currently underway and nearing completion.

This concluded the Manager's monthly capital update. She recapped several recommendations from her presentation and revisited the previous discussion on hiring a project manager. Discussions have already begun with the Superintendent, who anticipates that the Board of Education will also consider this recommendation.

The Manager outlined the project manager model used by Henderson County, as presented by the retired professionals in the work study group, which includes the following parameters:

- **Employment and Payment:** The Project Manager is hired by the county and submits invoices to the county for payment from the project budget.
- **Monthly Updates:** The Project Manager provides monthly updates to the Board of Education on construction progress.
- **Coordination:** The Project Manager coordinates with school principals on-site and ensures the general contractor is effectively managing subcontractors.
- **Daily Oversight:** The Project Manager is on-site daily for quality control, aiming to minimize change orders and verify the completion of work during invoicing.

The Manager recommended continuing the discussion on the project manager and suggested collaborating with the retired county manager and superintendent to gain insights into the successful Henderson County model.

The Manager specifically recommended that the Board approve the following:

1. **BHS Softball Lighting Replacement:** Approve cash funding of \$150,000 from the Education Capital Fund for this project. Identified in the Building Assessment for replacement due to water infiltration, it can proceed alongside other Step One Investment Plan projects. The project will adhere to the funding and invoice processing procedures outlined in the FY 25 budget.
2. **BHS Glu-Lam Beam Repair:** Authorize the Chairman or Manager to sign the repair contract for the BHS Glu-Lam beams, pending approval of the contract by the Board of Education on July 22, 2024. Project funds have already been approved as cash funding in the Education Capital Fund.

The Manager noted that she has contacted the Superintendent about the projects approved for cash funding. Current progress includes receiving the contract for the boilers, a pending contract for the glu-lam repairs, and obtaining quotes for ceiling tile replacement.

Chairman Chappell then invited comments and questions from the Commissioners.

Commissioner Chapman addressed a personal attack made against the County Manager during Public Comment, noting that the individual left the meeting afterward. He expressed his personal view that if anyone has concerns about the County Manager, they should address them with the Board directly. Commissioner Chapman praised the County Manager, calling her the best in North Carolina with the highest integrity. He criticized the lack of professionalism of those making accusations without considering the facts. While the Board values public comments, he emphasized that they should be fact-based. He urged citizens to review the information available about the County's efforts for the schools and corrected the false claim that bond funds were expiring or being misused. The funds are dedicated to school improvements.

Commissioner McCall stated that moving forward, any personal attacks on the County Manager during Public Comment should be terminated immediately, as such accusations are unfounded and untrue. She affirmed that the County Manager has a duty to provide accurate information, which she has consistently done. Commissioner McCall noted that the allegations referenced a meeting attended only by the County Manager, implying that the accuser was spreading gossip rather than factual information. She emphasized the importance of basing comments on facts and lamented that some individuals choose to disregard them.

Commissioner McCall inquired about the status of the boiler contracts, specifically if they had been signed and when the work was expected to begin. The Manager responded that the County has a contract in place, and it has been set up in the financial system to process invoices. However, she did not have information on the project's start date at that time. Commissioner McCall expressed the need to determine the start date, especially in light of accusations that the Commissioners are neglecting students.

Commissioner McCall expressed concern about the ceiling tiles, noting that she was assured they would be installed before the school year began. However, she has learned that the tiles have not yet been purchased. The Manager confirmed that the tiles have not been bought yet. She reported that the most recent update from the Superintendent indicated that they were still obtaining quotes and inquiring whether future ceiling tile needs could be covered by the same project budget.

Commissioner McCall inquired whether the Manager had received an estimate from the Superintendent for scraping and painting the ceiling in the Brevard High School cafeteria. The Manager replied that she had not received an estimate. She explained that the Superintendent had indicated there would be follow-up after the

initial request but had not provided an update when asked. The Superintendent mentioned reluctance to seek quotes without specific direction from the Board. Consequently, the Manager assigned County staff to obtain an estimate based on the cafeteria's square footage. Commissioner McCall expressed astonishment that despite the concerns about the peeling ceiling potentially contaminating food, there has been no progress in obtaining a corrective estimate, despite the Board's request for a solution.

Commissioner McCall asked whether, as the funding entity with fiduciary responsibility, the County also has a duty to ensure that funds are spent appropriately. The Manager confirmed this responsibility, noting that it involves how the Board manages project allocations. Initially, the agreement between the two Boards granted broad authority to the Board of Education for managing projects, including hiring architects and contractors, while the Board of Commissioners retained fiduciary oversight. This arrangement was intended to ensure that the County could effectively manage bond funds and maintain its ability to secure future financing from the LGC. The Manager explained that the recommendation to proceed with just the design phase of the Brevard High School project was strategic. It allows for necessary work to be done while students are in the building and excludes HVAC work, which feedback from school staff indicated should not begin until the summer of 2025.

Commissioner McCall sought confirmation that the current process would allow Commissioners to ensure funds are spent appropriately for each project. The Manager affirmed that it would provide tighter control to ensure adherence to project scopes. She recommended that the Board not release construction funding for each project until County staff have reviewed and confirmed that the bids match the defined scopes of work. This approach aligns with how the County manages its projects and ensures proper oversight.

Commissioner McCall inquired whether the Board would eventually discuss the project manager position, noting that the County would need to determine the details of how the position would function. The Manager confirmed that this is within the Commissioners' purview, but it would require cooperation from the Board of Education. The Manager expressed concern that by the end of the year, the County will have \$55 million in bond-funded projects and \$7 million in cash-funded projects ready to proceed. It would be unfortunate if these projects faced delays due to unresolved issues like coming to terms on a project manager position.

Commissioner McCall emphasized that the County has the capacity to manage a large number of projects effectively. She pointed out that the School System's part-time project manager, who also teaches, cannot handle the extensive project workload alone. Given the importance of these projects to the entire County, she urged both Boards to seriously consider hiring an experienced project manager to ensure successful project execution. Commissioner McCall expressed her support for the Manager's recommendations.

Commissioner Chapman inquired about the legal implications if the County were to assume maintenance responsibilities for the School System. The Manager clarified that such a shift would require legislative change since current legislation delineates separate responsibilities for each board. While the Board of Commissioners can propose and offer to take over maintenance, it depends on the Board of Education's willingness to collaborate or transfer control. Without legislative modifications, the responsibility remains distinct, with fiduciary duties assigned to the County Commissioners and maintenance and access managed by the Board of Education.

Commissioner Dalton expressed concerns about the BHS softball lighting project, noting that while it is necessary, another high school baseball field has never had lighting, which impacts scheduling due to limited daylight. He questioned how to prioritize lighting for that baseball field, as community members frequently inquire about it. The Manager responded that adding a lighting project for the other baseball field would require a formal request from the Board of Education. The current focus on the BHS softball field was due to a water infiltration issue. However, it would be reasonable to consider lighting for the Rosman field, pending

cost assessments and a request from the Board of Education. The Manager offered to reach out to the Superintendent to explore this further.

Commissioner McCall mentioned past discussions about lighting at RHS. The Manager agreed to review previous capital project submissions to determine if the RHS lighting project had been considered but not prioritized.

Commissioner McKelvey acknowledged the list of recommended projects for cash funding by the Board of Commissioners and sought clarity on the status of these projects with the Board of Education. The Manager explained that the Board of Education had indeed approved the full list of projects during their meeting, which made them eligible for funding. However, there have been indications that the Board of Education might choose to delay some of these projects. The Manager noted that the HVAC boiler project and the ordering of tiles for air quality are moving forward, along with the glu-lam repairs contract currently awaiting Commissioners' approval. For other projects, the Manager was not updated on recent movements beyond what was discussed last week with the Superintendent.

Commissioner McKelvey expressed concern that the athletic facilities might not be a priority for the Board of Education and asked for confirmation. The Manager clarified that the Board of Education has the discretion to prioritize or delay projects as they see fit. While some comments indicated that athletic facilities might not be prioritized, the overall expectation is that the bond-funded projects will progress according to the Local Government Commission's (LGC) requirements, aiming for 85% completion within three years.

Chairman Chappell emphasized the importance of understanding how the County Manager has detailed the allocation of capital funding. He clarified that the additional capital funding authorized by the Commissioners from the Education Capital Fund was specifically for certain athletic facilities, but this was done with the understanding that the Board of Education would choose to prioritize and move forward with these projects if they deemed them important. He stressed that the County Commissioners have not mandated specific projects; rather, they have provided the funding and flexibility for the Board of Education to act on these projects as they see fit. The funding was allocated based on prior requests and priorities identified by the Board of Education, such as the RHS football field and the wrestling facility. The Commissioners have not demanded that these projects proceed but have offered the resources for the Board of Education to use if they choose to prioritize them. Chairman Chappell also addressed concerns about the bond funding, reiterating that the Commissioners are focused on adhering to guidelines, fiduciary responsibilities, and legal requirements. He pointed out that the bond funds are dedicated to school improvements and not being redirected for other purposes, such as a new courthouse. He urged citizens to review the recorded meetings of the Board of Commissioners to gain a clearer understanding of the actions and decisions being made.

Commissioner McKelvey expressed concern over the shifting priorities of the Board of Education regarding the projects that were recommended for cash funding. He noted that some playgrounds and facilities have not been updated in over 30 years and questioned why these projects are no longer considered priorities when they should be. He emphasized the importance of completing these projects during the summer when schools are not in session. He echoed Commissioner Dalton's concerns about the lack of lighting for the baseball field in Rosman and supported addressing this issue as well. Commissioner McKelvey reiterated his strong support for the schools and highlighted that if these projects were initially prioritized, they should remain so, particularly since the Commissioners have allocated cash funding to support them. Furthermore, Commissioner McKelvey backed the idea of both Boards working together to hire a project manager. He believes that this role is crucial for ensuring the successful completion of the bond projects and maintaining momentum.

Commissioner Chapman moved to replace the BHS softball lighting (water infiltration) for \$150,000 in the Education Capital Fund for cash funding, and to approve the Chairman or Manager to co-sign the

glu-lam beam contract for Transylvania County Schools providing the Board of Education approves it for signature at their July 22 meeting as presented, seconded by Commissioner McKelvey, and unanimously approved.

Chairman Chappell called for a brief recess at 7:26 p.m. The Board reconvened at 7:34 p.m.

APPOINTMENTS

REQUEST TO MODIFY MEMBERSHIP OF PERSONNEL BOARD

Christy Hendrix, currently holding the Employee seat on the Transylvania County Personnel Board, is resigning due to a new position in another county. She has also indicated that she cannot attend meetings at the current times, so she is not interested in continuing in any other role on the board. Staff recommended appointing Jo Ann McCall, a current Member-at-Large who is also a County employee, to the Employee seat. Additionally, they suggest advertising for both the Member-at-Large position and the vacant Member of Business position to find suitable replacements.

Commissioner McCall moved to allow Jo Ann McCall to fill the current Employee seat on the Personnel Board and directed staff to recruit for the two vacancies, seconded by Commissioner Chapman and unanimously approved.

NCACC LEGISLATIVE GOALS COMMITTEE AND STEERING COMMITTEE APPOINTMENTS

Every two years, in the months preceding a long session of the General Assembly, the North Carolina Association of County Commissioners (NCACC) engages in a process to determine the legislative goals it should pursue in the best interest of the counties. The process is thorough, deliberative, and time intensive. It is designed to allow input from as many county commissioners, county officials, and stakeholders as possible. By maximizing participation from so many of the organization's members, it is possible to reach agreement on goals important to all members of this diverse organization. Members are encouraged to participate in every step of the process.

NCACC's seven steering committees assist the Board of Directors in setting policy for the Association in the areas of agriculture, environment, general government, health and human services, justice and public safety, public education, and tax and finance. Each year, the NCACC president appoints committee chairs to lead and represent each steering committee on the Board of Directors.

This year, the steering committees are tasked with reviewing legislative goals proposals. Voting on proposals determines if they will move forward in the process. This is an incredibly important step in the legislative goals-setting process. Steering committee membership is processed through nominations made to the Association and appointed by the NCACC President. Membership is open to all county commissioners.

The Legislative Goals Committee is a committee convened through nominations and appointed by the NCACC President. The Legislative Goals Committee is tasked with reviewing legislative goals proposals that have been reviewed and approved by the seven steering committees and considers which proposals move forward in the goals process.

- All nominations will be processed from mid-June through August 23
- Appointments will be made the week of September 2
- Membership lists will be published in early September
- Virtual steering committee meetings to review and vote on legislative goals proposals will be held the last week of September
- Legislative Goals Committee will meet in person in Raleigh on October 2

- Steering committee membership will be a presidential year appointment and will expire on July 31, 2025

2023-2024 Steering Committee Membership from Transylvania County:

- Larry Chapman - Justice and Public Safety
- Jake Dalton - Tax and Finance
- Teresa McCall - Public Education and Tax and Finance

Staff recommended the Board nominate a Commissioner to serve on the Legislative Goals Committee and to nominate Commissioners for appointment or reappointment to the NCACC's various steering committees, if interested.

Before Board action, Chairman Chappell congratulated Commissioner Chapman for his reelection today as Chair of NCACC District 16.

Commissioner Chapman moved to appoint Commissioner McCall to the Legislative Goals Committee, seconded by Commissioner Dalton and unanimously approved.

Commissioner McCall moved to nominate Commissioner Chapman as an alternate to the Legislative Goals Committee in the event she is unable to serve, seconded by Commissioner Dalton and unanimously approved.

Commissioners Dalton and McCall have agreed to continue serving on their steering committees, except for the Public Education committee. They expressed frustration with the lack of focus in the meetings. Commissioner Chapman will forward their concerns to the NCACC Executive Committee.

Commissioner Dalton moved to reappoint Commissioners Chapman, Dalton, and McCall to their respective NCACC steering committees, except the Public Education steering committee, seconded by Commissioner McKelvey, and unanimously approved.

OLD BUSINESS

CONSIDERATION OF QUARTER-CENT SALES TAX REFERENDUM

The County Manager updated the Board on the process and timeline for considering a quarter-cent sales tax referendum on June 10. After discussing the issue further on July 8, the Board scheduled the decision on whether to proceed with the referendum for this meeting. To include the referendum on the November General Election ballot, the Board must notify the Board of Elections by August 1 via a resolution.

To recap, North Carolina counties can propose a quarter-cent sales tax increase (Article 46 sales tax) if approved by a public referendum. Transylvania County currently imposes sales taxes under Articles 39, 40, and 42, and 47 counties in North Carolina levy the Article 46 sales tax. State statutes govern the sales tax articles, and local bodies cannot alter them. While the referendum allows the Board of Commissioners to levy the tax if approved by voters, it does not obligate them to do so. Thus, the referendum is advisory.

The Manager also presented a list of frequently asked questions and answers about the Article 46 sales tax, provided by the NC Association of County Commissioners, to aid in the decision-making process.

Frequently Asked Questions on Local Option Sales Tax

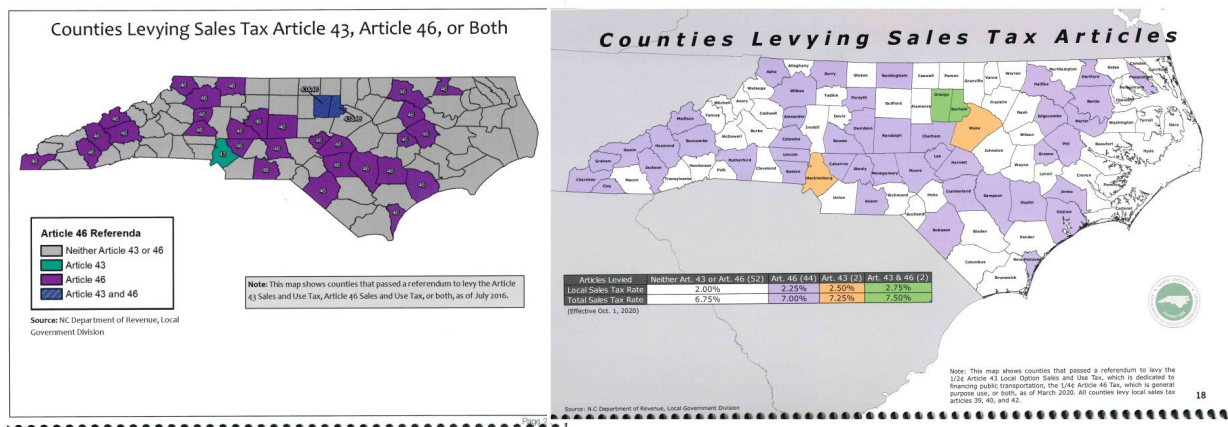
1. What are the steps a county needs to consider when scheduling a referendum?

- All counties must contact their local board of elections and the State Board of Elections to have the advisory referendum included on the ballot during a regularly scheduled election.
 - An advisory referendum may be held only on the same date as a county or statewide general election, the primary election in even-numbered years, or in any other election during which all precincts in a county are open.
 - Under [NCGS 105-537](#), counties are prohibited from holding more than one referendum within 12 months.
2. Must the Board of County Commissioners levy the sales tax if the voters approve the referendum?
 - A Board of County Commissioners is not obligated to levy the tax even if the majority of those voting in a referendum vote in support of a levy.
 3. Can a county stipulate uses of the monies on the ballot as part of the referendum?
 - A county may not stipulate the use of the money on the ballot.
 - A county Board of Commissioners may adopt a resolution that stipulates how they plan to use the revenues.
 4. Is there a prescribed format for the question of the ballot?
 - Ballot Question. – The form of the question to be presented on a ballot for a special election concerning the levy of the tax authorized by this Article shall be:
 “ FOR AGAINST Local sales and use tax at the rate of 1-quarter% (0.25%) in addition to all other State and local sales and use taxes.”
 5. When is the earliest the sales tax will become effective if the Board of County Commissioners levies the sales tax via resolution following a successful referendum?
 - The sales tax may become effective on the first day of any calendar quarter so long as the county gives the Secretary of Revenue at least 90 days advance notice.
 - For example, if a referendum is held in November during the general election and passes, the earliest a county could begin collecting the revenue would be April 1 of the following year, provided it adopts a resolution levying the tax and forwards it to the Department of Revenue before December 31.
 6. If the voters pass the referendum for the sales tax, what happens next?
 - If the Board of Commissioners wishes to levy the tax, it must provide 10 days public notice of its intent to adopt a resolution to levy the tax.
 - After it adopts the resolution, it must send a certified copy of the resolution along with a certified copy of the election results of the referendum to the Department of Revenue.
 - The NC Association of County Commissioners has prepared a model resolution for a successful sales tax referendum.
 7. Are there restrictions on the use of the revenues?
 - No. The sales tax is not restricted or earmarked and can therefore be used for any allowed use by counties.
 8. If the referendum fails, can a county hold a subsequent referendum on the same question?
 - Yes, however, due to a new law passed in 2019, the county must wait one year to hold a subsequent referendum.
 9. Can a county spend public money educating citizens on issues related to the referendum?
 - Yes. Similar to an election for a general obligation bond, a county may spend money to educate the public on issues related to the sales tax referendum.
 - However, a county may not spend money advocating for or against the sales tax.
 10. Can members of a county board of commissioners actively promote the passage of the referendum?
 - Yes. The board of commissioners may approve resolutions in support of the passage of a referendum for the sales tax.
 - A county commissioner may publicly endorse and support the sales tax.
 - A county may not reimburse any expenses incurred by an elected official while the official is advocating either for or against the tax measure.
 11. Does the sales tax apply to unprepared food or gas?

- No. The local option sales tax does not apply to unprepared food (i.e., groceries) or gas purchases.
 - There is no local sales tax on gas purchases.
12. Does the sales tax apply to alcohol sales?
- Yes, if purchased in a retail store, other than an ABC Store. The State taxes ABC store sales separately.
13. Does the sales tax apply to lodging and accommodations?
- Yes, lodging and accommodations were included in the sales tax expansion passed by the NC Legislature several years ago.

As noted, 47 counties have adopted the quarter-cent sales and use tax to alleviate pressure on property taxes. While referendums in Western North Carolina have historically been unsuccessful, recent trends show an increase in successful sales tax referendums, as illustrated by the map comparing counties from 2016 to 2020.

If approved and implemented, the local option sales tax could generate an additional \$1.2 to \$1.5 million in revenue. The Board of Commissioners will determine the allocation of these funds during the annual budget process.



Counties have created educational campaigns to inform the public about the local option sales tax and its intended uses. The Manager shared examples of these campaigns from other counties.

After concluding her presentation, the Manager invited questions and comments from the Board.

Chairman Chappell clarified that even if the referendum is authorized and approved by voters, the Board of Commissioners is not obligated to enact the tax and could choose to delay implementation. The Manager added that the statutes provide the option but do not specify a timeline or expiration; the process would be governed by further statutes if enacted.

Commissioner Chapman was initially concerned about the referendum's potential to be overlooked due to a lengthy ballot but now supported allowing voters to decide. He also suggested that the Commissioners consider passing a resolution outlining their intended use for the sales tax revenue.

Commissioner McCall highlighted that tourist spending in Transylvania County could contribute significantly to the tax revenue. She noted that the potential revenue is comparable to a 2-cent increase in the property tax rate, which would benefit property owners. She urged that no commitments be made for the funds until the

actual cost of a new courthouse is determined. She supported the referendum as it would help alleviate the property tax burden by involving both residents and visitors in funding essential projects.

Commissioner Dalton inquired about the applicability of the sales tax to prescription medications, which the Manager confirmed would be exempt. However, the tax would apply to other items purchased at a pharmacy. Commissioner Dalton also asked about the proportion of sales tax paid by visitors versus residents. While the Manager did not have specific data, she suggested that an estimate could be made based on tourism information from the Transylvania County Tourism Development Authority.

Commissioner Dalton noted that, for clarity, the sales tax would add 25 cents to every \$100 spent. The Manager confirmed this calculation.

Commissioner McKelvey strongly advocated for the Commissioners to outline their intended use for the sales tax proceeds if the measure is approved. He noted that most counties in Western North Carolina, except Henderson and Polk, have adopted the local option sales tax. Unlike Henderson County, which has more industry and land for expansion, Transylvania County is largely surrounded by natural forestland, limiting its resources. Many WNC counties with similar characteristics - tourism, forestland, and limited resources - have adopted the quarter-cent sales tax to relieve their tax burdens. For these reasons, Commissioner McKelvey supported allowing Transylvania County property taxpayers to vote on the sales tax referendum.

Chairman Chappell noted that Transylvania County taxpayers already pay the quarter-cent sales tax when shopping in neighboring counties. He supported the sales tax as a valuable resource for future Boards and emphasized the need to understand courthouse costs before moving forward (reiterating that school bond funds will not be used for this). He backed placing the referendum on the November ballot.

The Manager advised that the draft resolution allocates the sales tax proceeds to a fund balance for capital expenditures and authorizes the Board to direct the Board of Elections to place the referendum on the ballot. The Board can adjust the intended use of the funds or pass a separate resolution detailing the specific use at a later date.

The Commissioners agreed to keep the resolution as drafted, with the option to specify the use of funds at a later date.

Commissioner Chapman moved to place the quarter-cent sales tax on the ballot in November of 2024 via the approval of Resolution #20-2024, seconded by Commissioner Dalton and unanimously approved.

RESOLUTION #20-2024

DIRECTING THE TRANSYLVANIA COUNTY BOARD OF ELECTIONS TO CONDUCT AN ADVISORY REFERENDUM ON TUESDAY, NOVEMBER 5, 2024, ON THE QUESTION OF WHETHER TO LEVY A ONE-QUARTER PERCENT COUNTY SALES AND USE TAX PURSUANT TO ARTICLE 46 OF CHAPTER 105 OF THE NORTH CAROLINA GENERAL STATUTES

WHEREAS, the Transylvania County Board of Commissioners has considered alternative revenue sources to pay for anticipated capital expenditures; and

WHEREAS, the cost of such necessary capital expenditures could require a significant increase to the County's existing ad valorem tax rate and could unduly burden property owners in Transylvania County; and

WHEREAS, Article 46 of Chapter 105 of the North Carolina General Statutes authorizes Transylvania County to levy a local sales and use tax at a rate of one-quarter percent (0.25%), if approved by voters in an advisory referendum; and

WHEREAS, Transylvania County satisfies the statutory prerequisites to call for a referendum on the question of the one-quarter percent (0.25%) sales and use tax; and

WHEREAS, property taxes account for approximately 55 percent of County revenue, while sales taxes account for only 15 percent of County revenue; and

WHEREAS, from the proceeds of the one-quarter cent local sales and use tax, the County is estimated to receive approximately \$1.2 million to \$1.5 million annually in additional revenue; and

WHEREAS, the passage of the one-quarter cent local sales and use tax would help to prevent significant increases in the property tax burden on homeowners and local businesses; and

WHEREAS, it is the considered judgment of the Board of Commissioners that the levy of a one-quarter cent sales and use tax would be the most fiscally prudent and appropriate manner in which to finance the County's capital needs; and

WHEREAS, the next countywide election in Transylvania County will be the General Election held on November 5, 2024; and

WHEREAS, by this resolution, the Board of Commissioners does indicate its support for approval of the one-quarter cent sales and use tax proposal on the November 2024 referendum;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Transylvania County Board of Commissioners hereby directs the Transylvania County Board of Elections to conduct an advisory referendum on November 5, 2024, on the question whether to levy a one-quarter cent (1/4 ¢) local sales and use tax in Transylvania County pursuant to Article 46 of Chapter 105 of the North Carolina General Statutes, placing on the ballot the following question:

“[] FOR [] AGAINST

Local sales and use tax at the rate of one-quarter percent (0.25%) in addition to all other State and local sales and use taxes.”

2. That the Clerk to the Board of Commissioners is authorized and directed to transmit a certified copy of this Resolution to the Transylvania County Board of Elections no later than August 1, 2024; and publish legal notice of the special advisory referendum.
3. That County staff lead efforts to educate the public as to usage, purpose, and impact of a sales tax referendum.
4. That the Board of Commissioners hereby directs County staff to budget proceeds resulting from the Article 46 sales and use tax, if approved and levied, to an assigned fund balance for capital expenditures, provided that such direction is subject to change at the discretion of the Board of Commissioners.

5. That the Board of Commissioners expresses its intent to endorse and support an advisory referendum on the November 2024 ballot pursuant to Article 46 of Chapter 105 of the General Statutes on the question of whether to levy a one-quarter cent local sales and use tax in Transylvania County.

This the 22nd day of July 2024.

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

2024-2025 NCACC LEGISLATIVE GOAL PROPOSALS

The Board of Commissioners reviewed potential legislative goals for submission to the NC Association of County Commissioners, including both previous and new proposals. Chairman Chappell noted the need to approve the list at this meeting due to the cancellation of the August meeting, with a submission deadline of August 23. He invited further input from the Commissioners.

Commissioner Chapman proposed removing the goal of allowing counties to cap the percentage of land designated for conservation. He expressed concerns that this might conflict with the Commissioners' stance on property rights and noted that a local citizen had raised this issue. **He moved to remove this goal from the list.**

Commissioner McCall countered that while there is a concern for property rights, similar concerns were not expressed when property was taken for other purposes. She explained that the goal aimed to address issues related to increased conservation efforts, which sometimes hinder economic development. She noted that land conservancy agencies can be aggressive in their methods.

The motion to remove the goal died for lack of a second.

Chairman Chappell clarified that the goal was to give counties the option to cap, not ban, the percentage of land going into conservation. He highlighted that North Carolina counties must seek General Assembly approval for operational matters, and the same statutes apply to both Transylvania and Wake Counties, despite their differences.

The Manager suggested modifying the goal's language to: "Allowing counties to cap the percentage of land that goes into conservation with tax abatement." This change would clarify that while conservation efforts could continue, counties would have the ability to limit the tax credit component for property owners.

Chairman Chappell moved to add this clarification to the goal, seconded by Commissioner McCall, and it was unanimously approved.

Commissioner McCall moved to approve the final list of NCACC Legislative Goals as amended, seconded by Commissioner Dalton. Commissioner McCall thanked the Register of Deeds for adding the provision for birth certificates for adoptees. **The motion was unanimously approved.**

RESOLUTION #22-2024

APPROVING LEGISLATIVE GOALS AND SUBMISSION OF SUCH GOALS TO THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS FOR CONSIDERATION AT ITS LEGISLATIVE GOALS CONFERENCE

WHEREAS, the North Carolina Association of County Commissioners (NCACC) was founded in 1908 as a membership organization to represent the interests of counties before the General Assembly; and

WHEREAS, all 100 counties are voluntary members of the North Carolina Association of County Commissioners, making the NCACC the official voice of North Carolina counties; and

WHEREAS, every two years, at the beginning of the long session of the General Assembly biennium, the membership of the NCACC holds a Legislative Goals Conference to develop and approve legislative goals designed to protect and enhance the interests of county governments and the citizens who live in our 100 counties; and

WHEREAS, for its proposed goals to be considered at the Legislative Goals Conference, Transylvania County must submit its proposed legislative goals for the 2024-25 General Assembly biennium to the NCACC no later than August 23, 2024; and

WHEREAS, after due deliberation, the Transylvania County Board of Commissioners has determined that the attached legislative goals represent the collective wishes of the entire Board;

NOW, THEREFORE, BE IT RESOLVED, that the Transylvania County Board of Commissioners hereby adopts the attached legislative goals, incorporated herein by reference, and authorizes the Chairman of the Board, or his designee, to submit the attached legislative goals to the NCACC.

Adopted this the 22nd day of July 2024.

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

**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
2024-2024 LEGISLATIVE GOALS**

1. Differentiated tax rate for nonresident parcels.
2. Medicaid Hold Harmless – rules were changed for counties, but not the counties’ responsibility to hold cities harmless; formulas should match.
3. Increase in lottery funds to schools that are not dependent on the economic tier rating. (Transylvania County is unable to compete for some of these funds because of its current economic tier rating. Lottery fund distribution should not be based on a county’s property tax rate.)
4. Increase PILT funds for state and national forest land.
5. Flexibility on spending occupancy tax dollars.
6. Local flexibility on school calendars for alignment which is essential for learning.
7. Increase funding for NC Pre-K.
8. Expedite Child Permanency (from Foster Care to Adoption).
9. To propose broadband be declared as a utility which would change the parameters by which local governments could work within broadband issues.
10. Modify the criteria being used for county tier designations (The current criteria do not provide an accurate picture of a county's economic condition. Calculations should be based on average weekly wages or annual wage income instead of median household income in a county.)
11. Mental health funding and services.
12. Funding for School Resource Officers.
13. Flexibility for workforce housing funding. (Transylvania County does not qualify for certain funding due to its economic tier rating. Incentives may allow the County to partner with the City of Brevard to alleviate some housing issues.)
14. To appeal to the State to revise the metrics used for State funding designations.
 1. Small school definitions - consider funding on a ratio instead of the “all or nothing” method currently used.

2. Low wealth funding for schools – economic tiers should be based on average weekly wages or annual wage income instead of median household income in a county.
3. Lottery distribution – currently allotted based on number of students, but it should be based on capital needs that local systems report to the Department of Public Instruction.
15. To seek financial transparency for all public bodies. (If the Local Government Commission flags a public entity for a concern in their audit, the public entity should be notified of the concern, as well as the local governing body of the county. Consistent audit standards.)
16. To seek funding for State-mandated services. (If the State of North Carolina is to require counties to meet specific staffing ratios and provide service programs, the State should provide the necessary funds to pay for them.)
17. Repeal the State income tax cap. A low cap could constrain the State should economic conditions change. The quickest and most obvious source for additional revenue would be property tax, thereby putting the burden on the shoulders of counties.
18. Advocate for funding flexibility within the Department of Social Services to develop programs to help prevent the development of lifelong problems.
19. Expanding ethics training requirements to include statutory and fiscal responsibility for elected public officials.
20. Allowing counties to cap the percentage of their land that goes into conservation receiving tax abatement.
21. Seek reimbursement from the State of North Carolina for responding to emergencies in State parks and forests.
22. To provide that access to new birth certificates for adopted persons shall be the same as for non-adopted person's birth certificates.

NEW BUSINESS

2023 TAX SETTLEMENT REPORT

Each year the Tax Collector shall make a sworn report to the governing body of the taxing unit per N.C.G.S. § 105-373. This report covers the 2023 Tax Year. Tax Administrator Jessica McCall presented her report, and it is summarized below:

- Total Levy 2023 Taxes
 - County - \$41,123,656.70
 - All Districts - \$44,292,631.93
- Total Collected 2023 Taxes (as of June 30, 2024)
 - County - \$41,023,810.92
 - All Districts - \$41,093,715.71
- Uncollected 2023 Taxes (as of June 30, 2024)
 - County - \$99,845.78 (collected \$12,249.01 since June 30, 2024, bringing the total uncollected to \$87,596.77)
 - All Districts - \$108,798.80 (collected \$13,900.17 since June 30, 2024, bringing the total uncollected to \$94,898.63)
- 2023 Overall County Collection Rate - 99.76%
 - Each District Percentage Rate - Greater than or equal to 99.33%
 - County Collection Rate as of January 5 (last day to pay with no interest and the last day before the department begins its delinquent collection efforts) - 88.14%
- Delinquent Taxes Collected for 2022 and Prior (as of June 30, 2024)
 - County - \$69,904.79 (collected \$2,331.53 since June 30, 2024, bringing the total collected taxes for those prior years to \$72,236.32)

- All Districts - \$77,604.15 (collected \$3,076.85 since June 30, 2024, bringing the total collected to \$80,681.00)
- Bank Attachments - \$19,504.00
- Wage Garnishments - \$8,100.44
- Payment Plans - 155
- Made approximately 5,600 delinquent contacts (calls, emails, mailed letters, etc.)

Commissioner McCall praised the County's impressive overall tax collection rate of 99.76%.

Commissioner Chapman expressed that most counties would envy this tax collection rate and commended the Tax Office staff for their excellent work.

Chairman Chappell lauded Ms. McCall and her team for their courteous service and dedication to assisting the public.

Commissioner McCall moved to accept the 2023 Tax Settlement Report, seconded by Commissioner Dalton and unanimously approved.

2024 ORDER TO COLLECT ALL REAL AND PERSONAL PROPERTY TAXES

The Tax Collector must be charged with the 2024 Tax Bills which gives full and sufficient authority to collect taxes with forced collection remedies, if necessary, per N.C.G.S. § 105-321. Tax Administrator Jessica McCall requested the Board order her to collect the 2024 real and personal property taxes. The order reads as follows:

To the Tax Collector of the County of Transylvania:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in the County of Transylvania, and this order shall be full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

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

Commissioner McCall moved to order the Transylvania County Tax Collector to collect the 2024 real and personal property taxes, seconded by Commissioner McKelvey and unanimously approved.

Ms. McCall informed the Board that the Tax Office intends to mail tax bills tomorrow or email them to those who chose that option.

FY 2025 NONPROFIT FUNDING APPROVAL

On behalf of Budget and Management Analyst Jennifer Wright, the Manager presented the FY 2025 Nonprofit Funding Agreements to the Board.

Funding for these nonprofit contracts has been approved in the FY 2025 Budget. The internal review committee has vetted the recommendations, which are consistent with FY 2024 levels. Local government funding for nonprofits must enhance or supplement services that the government might otherwise provide and cannot be used for capital expenses.

State statutes require Commissioners to disclose any conflicts of interest with nonprofit organizations applying for County funding in the upcoming fiscal year. Commissioners who serve on the boards of, or are employed by, any of the nonprofits slated for funding must disclose this information. The Board must then review and vote on these agreements separately, with the affected Commissioner recusing themselves. Volunteering or being a member of a nonprofit does not constitute a conflict of interest under these statutes.

The following nonprofit organizations are recommended for funding under the FY 2025 budget:

- Transylvania County Historical Society, \$6,000
- Transylvania Heritage Museum, \$4,000
- Blue Ridge Health, \$10,000
- Honor Guard, \$3,000
- Sharing House, \$10,000
- Bread of Life, \$6,000
- Farmers' Market, \$5,500
- Hunger Coalition, \$5,000
- Habitat for Humanity, \$1,000
- Community Arts Council, \$3,000
- Housing Assistance Corp., \$10,000
- Mountain School of Strings, \$2,000
- Cindy Platt Boys & Girls Club, \$4,000
- Pisgah Legal Services, \$17,000
- Isaac Homes, \$4,000
- Mediation Center, \$3,000

After reviewing potential conflicts of interest, staff recommended that the Board approve staff execution of contracts for nonprofit funding. No Board members needed to recuse themselves.

Commissioner McCall moved to approve the FY 2025 nonprofit funding contracts as submitted, with Commissioner Dalton seconding the motion. Chairman Chappell, who served as one of the County Commissioner representatives on the committee, expressed appreciation for the effective process. **The motion passed unanimously.**

Commissioner Chapman announced a call for local veterans interested in serving on the Transylvania Honor Guard.

GENERATOR INSTALLATION AT ANIMAL SHELTER

Assistant County Manager David McNeill presented a proposal for installing a generator at the Animal Shelter. He explained that staff have been securing funding for this project to ensure the shelter remains operational during emergencies. The Board of Commissioners has approved an easement agreement with Duke Energy, resulting in a payment of \$56,032 to the County. Additionally, staff proposed using \$22,968 in savings from the Building Improvements budget to cover the remaining cost of the \$79,000 generator project. If approved, the generator will be installed before winter.

McNeill detailed the necessity of the generator, noting that it is the final facility among the County's critical infrastructure to receive one. Generators are essential for maintaining operations during emergencies, and the Animal Shelter's generator will help ensure pets can be safely housed, which is crucial for people needing emergency assistance. This addition will also help meet the stringent animal care regulations regarding temperature control and daily care, which are more demanding than those for private animal owners.

Currently, the County's facilities with generators include the Public Safety Facility, Maintenance Facility, EMS Base, Community Services Building, Landfill, and all communications tower sites.

Commissioner McCall moved to approve the utilization of the \$56,032 from the easement and funding identified in the Building Improvements line item for \$22,968 to fund the project, for a total project cost of \$79,000, seconded by Commissioner Chapman and unanimously approved.

FY 2023 AMENDMENT TO AUDIT CONTRACT WITH MARTIN STARNES & ASSOCIATES

Finance Director Meagan O'Neal presented a request to extend the audit contract due date from October 31, 2023, to September 30, 2024. This extension is needed to accommodate unforeseen issues and avoid requesting another contract amendment. No cost increase is currently proposed, but additional billing may occur depending on the extended audit duration.

The County has provided 99.5% of the necessary information to the auditor, Martin Starnes, and the audit drafting is underway. Ms. O'Neal expected the audit submission to the Local Government Commission (LGC) by late July or early August. The delay is primarily due to the resignation of the Finance Director in June 2023, which led to reliance on interim staff for daily operations.

Ms. O'Neal recommended approving the contract extension through September 30, 2024, and invited questions from the Commissioners.

Commissioner Chapman asked about the remaining 0.05% of work. Ms. O'Neal explained that this involves updating the management discussion and analysis section of the audit. Staff are working to incorporate 2023 figures and explain any changes in fund balances.

Commissioner Chapman moved to approve the extension, seconded by Commissioner McCall. Commissioner McCall thanked Ms. O'Neal and her team for their efforts. The motion was approved unanimously.

FY 2024 4TH QUARTER FINANCIAL SUMMARY

Finance Director Meagan O'Neal presented the unaudited financial statements for the end of the 4th quarter of FY 2024. Here are the key points:

- Key Revenue Highlights
 - Property Tax Revenue: \$43,499,937
 - Sales Tax Revenue: \$9,456,752
 - 76% of the budgeted amount, affected by a delay in State distribution, and a \$500,000 reduction in Medicaid Hold Harmless
 - Expected to grow in the summer months
 - Investment Earnings: \$2,832,857
 - The latest report suggests an estimate of \$3.1 million by June
- General Fund
 - Personnel expenses \$30,797,630 (93.3%)
 - Overages due to February's cost-of-living adjustment; a budget amendment will address these
 - Operating expenses \$2,149,006 (92.5%)
 - Invoices are being coded to the prior year, with final figures expected after all FY 2024 invoices are paid by the end of July
 - Contracted Services \$2,317,930 (99.4%)
- Solid Waste
 - \$3,135,300 total revenues (114%)

- Includes \$2 million from Woodruff Landfill scale sales, \$649,555 from sticker sales
 - \$3,027,933 total expenditures (66%)
 - Personnel expenses \$1,432,471
 - Contracted expenses \$165,933
 - Operating expenses \$440,388
 - Net income of \$58,728 for the Enterprise Fund
 - The final balance may be affected by incoming invoices
- Other Updates
 - Multiple capital projects are concluding, and new ones are starting
 - The FY 2023 audit is nearing completion
 - The TCTDA audit was completed and accepted by the LGC in early July
 - FY 2024 closeout is in progress, with new processes in place to facilitate the audit

Ms. O'Neal concluded her presentation and invited questions from the Commissioners, but there were none.

Commissioner McCall moved to receive the report as presented by Meagan O'Neal, Finance Director, seconded by Commissioner Dalton and unanimously approved.

RESOLUTION AUTHORIZING EXECUTION OF KROGER OPIOID SETTLEMENT AND APPROVING THE SECOND SUPPLEMENT AGREEMENT FOR ADDITIONAL FUNDS

The Manager presented an agreement to secure funds aimed at addressing the impacts of opioid use and abuse in the community.

In 2023, North Carolina Attorney General Josh Stein, along with other attorneys general, reached a settlement with Kroger. Under this agreement, Kroger will pay \$1.37 billion to state and local governments for its role in the opioid crisis. This settlement includes North Carolina, where Kroger operates under its own name and through its subsidiary Harris Teeter.

North Carolina could receive over \$40 million between 2024 and 2034 if all relevant local governments participate. To maximize these funds, all 100 counties and municipalities with populations over 30,000 must join the settlement by August 12, 2024.

Local governments must also sign the Second Supplemental Agreement for Additional Funds (SAAF-2), which outlines the allocation, use, and reporting of these funds.

The process to join the settlement and sign SAAF-2 involves two steps:

1. The governing board must pass a resolution authorizing officials to sign the settlement and SAAF-2. A draft resolution template is available.
2. Designated officials will then complete the sign-on process electronically.

The Manager recommended that the Board approve a Resolution Authorizing the Execution of the Kroger Opioid Settlement and Approving the Second Supplemental Agreement for Additional Funds. The County is already receiving funds from previous opioid settlements, which are allocated into a specific fund balance and must be used according to the Memorandum of Agreement between Transylvania County and the State. Funding must be research-backed and targeted at addressing opioid-related issues. The Manager also noted that additional settlements might require further resolutions and agreements.

Commissioner Chapman moved to approve a Resolution Authorizing Execution of Kroger Opioid Settlement and Approving the Second Supplement Agreement for Additional Funds, seconded by Commissioner McKelvey and unanimously approved.

Commissioner McCall asked about the amount of opioid settlement funds the County has received so far. The Manager reported that the County has received three payments totaling \$879,684 from the initial settlement. These payments will be distributed over 18 years, with the initial payments being larger and subsequent payments decreasing in amount. The funds are held in a separate multi-year fund, allowing the County to save and invest them for larger projects or use them as needed based on the Board's decisions. Investment earnings from these funds are distributed proportionally among all County funds.

RESOLUTION #23-2024
AUTHORIZING EXECUTION OF KROGER OPIOID SETTLEMENT AND APPROVING THE
SECOND SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS

WHEREAS, the opioid overdose epidemic has taken the lives of more than 37,000 North Carolinians since 2000; and

WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, a settlement has been reached in litigation against the Kroger Co. ("Kroger") as well as its subsidiaries, affiliates, officers, and directors named in the Kroger Settlement; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Second Supplemental Agreement for Additional Funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements; and

WHEREAS, by joining the settlements and approving the SAAF-2, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Transylvania County and its residents, to sign onto the settlements and SAAF-2 and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the state and this county to help abate the harm; and

WHEREAS, the SAAF-2 directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Transylvania County hereby authorizes the County Manager to execute all documents necessary to enter into opioid settlement agreements with Kroger, to execute the SAAF-2, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the 22nd day of July 2024.

Jason R. Chappell, Chairman
Transylvania County Board of Commissioners

MANAGER'S REPORT

The Manager provided the following updates:

- Congressman Edwards' Mobile Office: The Carolina Cruiser will be at Silvermont Mansion and Park on Tuesday, July 23, from 1:00 PM to 2:30 PM. His staff will be available to meet with constituents and assist with casework.
- Landfill Expansion: The expansion of the new cell at the Landfill is on schedule. A public hearing by NCDEQ on July 2 had no public comments, but the comment period remains open for written feedback until August 11.
- Occupancy Taxes: Starting August 1, 2024, lodging and accommodations owners will be able to pay occupancy taxes online.
- FY 2024 Audit: Auditors will begin their work on the FY 2024 Audit during the first week of September.
- Public Records Requests: There has been an increase in public records requests over the past two months. Administration staff are working to manage these requests, which require significant time and resources. The staff is exploring options to reduce the time spent on these requests and may seek additional funding to support these measures.
- TC Schools Fund Balance: The Superintendent indicated that their auditors did not identify an emergency element necessary for using the current expense fund balance for capital projects. The Board of Education might have found an alternative financial solution. The Manager offered to meet with their auditor to clarify project appropriations from the past five years.
- County Administration Maintenance: In August and September, the County Administration building will undergo maintenance, including a roof section replacement due to a leak. There may be restricted access to the chambers through the courtyard, but efforts will be made to provide advance notice for meetings held in the Chambers.
- EMS Ribbon Cutting: The EMS project was completed under budget, and staff is moving in this week. The Manager thanked the Commissioners for their support in capital planning.

Commissioner McCall inquired about costs associated with responding to public records requests and the time required. The Manager explained that while the actual cost of producing records can be passed on to the requestor, staff time is not typically billed. Reviewing records, especially for confidential information, is time-consuming. The statutory requirement is to respond within a reasonable timeframe unless otherwise ordered by a judge. Currently, no single person is dedicated to managing record pulls and reviews.

Commissioner Chapman asked if public records requests themselves are public records. The Manager confirmed they are. The County receives requests from individuals and through a website that allows anonymous submissions. Sometimes, these requests are too large to handle electronically, necessitating hard copies and manual reviews to ensure confidentiality.

Chairman Chappell supported exploring software solutions that would save staff time and enhance transparency.

PUBLIC COMMENT

Hershel Johnson: Mr. Johnson, a retired engineer with over 30 years of experience managing multimillion-dollar projects, expressed frustration over ongoing project management issues. He acknowledged that the

Board of Commissioners does not have direct control over the Board of Education but emphasized that focusing on effective project management processes is crucial, regardless of who hires the project manager. Mr. Johnson highlighted that every project involves a set of stakeholders and a project team led by the project manager, who should serve the stakeholders' interests. In Board of Education projects, the stakeholders include the citizens of the County, and the Board of Commissioners also has a stake because of its role in controlling and reporting on funding. He noted that project management should involve regular updates to stakeholders on budget management, schedule adherence, known risks, and a communication plan. He suggested that these updates should be detailed and occur at least monthly. From his experience, mismanagement is quickly identified and can lead to loss of funding, which ensures accountability. By establishing such processes, the effectiveness of project management would be maintained regardless of who hires the project manager.

COMMISSIONERS' COMMENTS

Commissioner Chapman commended Sylvan Sport for their successful open house on Saturday, noting the event was well-attended. He praised their work and recommended that fellow Commissioners visit their facility for a tour.

Commissioner McCall suggested having a discussion with Mr. Johnson to gather his insights on project management, which could benefit both Boards. She also expressed frustration over the lack of updates on several projects, including ceiling tile replacements, the cafeteria, gym, and ceiling at Brevard High School, and boiler replacements. She requested clear information on when these projects will start and be completed. Commissioner McCall urged the public to refrain from personal attacks during the Public Comment period, emphasizing that this forum is not for making unfounded accusations. She observed that some tend to complain regardless of the Board's actions.

Commissioner Dalton announced a Rosman High School football fundraiser happening on Saturday and invited the public to attend.

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, and per N.C.G.S. § 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, following a 5-minute recess, seconded by Commissioner Chapman and unanimously carried.

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, and per N.C.G.S. § 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, the Board entered into closed session at 9:10 p.m. Present were Chairman Chappell, Commissioners Chapman, Dalton, McCall, and McKelvey, County Manager Jaime Laughter, County Attorney Bill Bulfer, Transylvania Economic Alliance Executive Director Burton Hodges (closed sessions #1 and #2 only), Information Technology Director Nathanael Carver (for IT support), and Clerk to the Board Trisha Hogan.

The Board reviewed information and updates on potential economic development projects and consulted with their attorney on a privileged legal matter.

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 sessions until such time that opening the minutes does not frustrate the purpose of the closed sessions, seconded by Commissioner Dalton and unanimously approved.

ADJOURNMENT

There being no further business to come before the Board, **Chairman Chappell moved to adjourn the meeting at 10:12 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