

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 9, 2024 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in a regular meeting on Monday, September 9, 2024, at 4:00 p.m. in the Multipurpose Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

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

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

There were approximately 50 in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding declared a quorum was present and called the meeting to order at 4:01 p.m.

WELCOME

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

PUBLIC HEARING

FY 2026 SECTION 5311 ADMINISTRATIVE, COMBINED CAPITAL PROGRAM, CAPITAL NON-STI RURAL EXPANSION VEHICLE PROGRAM AND SECTION 5310 OPERATING PROGRAM

Planning and Community Development Director Jeff Adams presented details regarding the public hearing for the FY 2026 transportation grant applications. The North Carolina Department of Transportation's (NCDOT) Integrated Mobility Division (IMD) manages federal grant applications for rural transit programs on behalf of local communities. These include Section 5311 (rural area transit), enhanced mobility for seniors and individuals with disabilities (Section 5310), and capital improvements for transit systems. For FY 2026, Transylvania County Transportation plans to apply for the following grants, requiring a public hearing before submission:

1. Section 5311 Administrative Grant
 - Request: \$242,649 to cover administrative costs for the County's transit program.
 - Local Match: \$36,398 (15% of total).
2. Combined Capital Program
 - Request: \$435,000 to replace three vans with lifts and bike racks.
 - Local Match: \$43,500 (10% of total).
3. Section 5310 Operating Program
 - Request: \$104,000 to fund transportation for the elderly and disabled.
 - Local Match: \$52,000 (50% of total), already budgeted for ride purchases from a local operator.

These grants support vital transportation services for the County, especially for elderly and disabled residents, and help maintain the public transit fleet. State matching rates are 5% for administrative funding and 10% for capital grants, subject to availability.

Following the presentation, **Chairman Chappell opened the public hearing at 4:05 p.m.** With no public comments, **the hearing was closed at 4:06 p.m.**

Mr. Adams requested that the Board of Commissioners approve the application submission under New Business.

PUBLIC COMMENT

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

Don Rogers: Mr. Rogers, speaking on behalf of the Hunger Coalition, expressed gratitude to the Board of Commissioners for approving a grant that allowed the organization to continue providing weekly meal kits. These kits, which offer ingredients for a full meal for families in need, began in January with funding from a Dogwood Health Trust grant, which has since been exhausted. Mr. Rogers highlighted the success of the program, delivering 70 kits each week, and noted that collaboration with after-school programs and organizations like El Centro, Rise and Shine, and Boys and Girls Club ensures the kits reach those most in need. Mr. Rogers emphasized the importance of meal kits in teaching families to cook healthy meals and explained the kits are economical, costing just \$2.50 per serving. Though the original grant has run out, the new funding from the County will allow the program to continue through Christmas. He also highlighted how local government support has boosted their fundraising efforts, making it easier to secure donations. Mr. Rogers also shared details about the Hunger Coalition's food fairs, which distribute free produce and staple items weekly in various communities. Lastly, he announced an upcoming fundraising dinner on September 24 to support these initiatives.

Jayne Mallwitz: Ms. Mallwitz addressed the Commissioners about public safety, noting that many newcomers seem eager to implement changes. However, she praised the current Board, suggesting that their policies have made the area attractive to newcomers. Ms. Mallwitz shared her personal experience, explaining that her family moved from an area with progressive policies that led to a rise in crime, which compromised their safety. She recounted feeling unsafe walking near her home and described the extreme measures she and her husband took, such as staying up at night to guard their house during riots. She cited a CBS News article to support her argument, which detailed how New York's bail reform policies have allowed individuals accused of various crimes to be released without bail. Ms. Mallwitz read the article, listing several crimes that no longer result in mandatory bail under the reform. She expressed concerns that such policies prioritize a progressive agenda over the safety of citizens.

Mike Hawkins: Mr. Hawkins addressed the Board to inform them about a community initiative focused on fostering positive, solution-oriented discussions around key local issues. The initiative, which began earlier this year, brings together nonprofit leaders, civic and business leaders, and political representatives from local governing boards. Since January, the group has held monthly meetings, covering topics like planning and visioning, education, and housing. Each meeting starts with a brief presentation, followed by an open, non-political conversation centered on the issues, not individuals or criticism. For the education topic, local leaders, including the County Manager and Superintendent, spoke, and the discussions led to the formation of an education alliance aimed at continuing these conversations. Mr. Hawkins announced that the next topic, housing, will be discussed at the upcoming meeting, and he invited the Board of Commissioners to attend. The meeting will take place next Monday at 4:00 p.m. at the Mary C. Jenkins Center. He thanked the Board for their service and encouraged them to join in on the community discussions.

Karen Gleasman: Ms. Gleasman, a member of the Brevard/Transylvania County Housing Coalition, addressed the Board to advocate for more action on affordable housing. She explained that the coalition is new and aims to engage the Board through public comment periods over the coming months to share their findings, accomplishments, and plans. Though these comments will not allow for much two-way dialogue, she emphasized the Board's role in addressing the housing crisis and influencing policy. Ms. Gleasman criticized the Board for its inaction since receiving \$2 million from the Dogwood Trust in December 2021, specifically allocated for affordable housing. She pointed out that no visible progress has been made, stating that this lack of action not only wastes time and resources but also hampers other local organization's efforts to secure grants, as the County's unspent funds create roadblocks for collaboration. She mentioned that at least one Commissioner suggested that nonprofits hinder progress, a position her group plans to rebut in upcoming meetings. She also countered the claim made by some Commissioners that affordable housing is a "pipe dream," promising to present examples of what has been and can be done, along with suggestions for how the Board can contribute. Ms. Gleasman concluded by thanking the Board for their attention and expressed hope for future collaboration, inviting the Board to participate in the coalition's efforts.

Alan Winchester: Mr. Winchester addressed the Board to discuss an affordable housing project aimed at helping teachers in Transylvania County. He explained the difficulty for workers earning around \$40,000 to live in the County due to the lack of available rental housing and high costs, with the average rent for a two-bedroom, one-bath unit at approximately \$2,200 per month. For teachers, who start at \$39,000 annually, affordable housing would need to cost around \$1,000 per month. This mismatch in housing affordability is a key reason the County struggles to attract and retain teachers. He noted that the School System has needed to hire over 30 teachers each year, with many new hires commuting from other counties or leaving when housing cannot be secured locally. He shared an example from the previous year where four teachers resigned after being unable to find suitable housing. Representing the Transylvania Home Trust, a nonprofit focused on workforce housing, Mr. Winchester outlined a current project to build affordable homes for teachers. First Methodist Church of Brevard donated land near Rosman High School, where they plan to build three two-bedroom, one-bath homes. These homes will be rented to teachers at \$1,000 per month, with an additional incentive whereby teachers will receive a tax-free rebate of up to 40% of their rent after completing a three-year lease. The goal is to attract and retain teachers in the County. While the project will not solve the overall housing crisis, Mr. Winchester emphasized that it is a start. The project requires \$700,000 in total funding, of which \$225,000 has already been raised through grants and private donations. He expressed gratitude for the support of local contractors and stressed that solving the housing crisis will require the collaboration of local government, as well as community involvement. Summaries of the project were made available for attendees in the foyer.

Cassie Broshears: Ms. Broshears criticized the Board of Commissioners for their behavior during public comment, urging them to give speakers their attention and reminding them of their responsibility to listen to constituents, regardless of whether they agree with the comments. She called for the Commissioners' actions to align with their words, referencing a statement made by Commissioner McCall about the condition of school buildings, which she felt contradicted later assertions that the schools are safe. Ms. Broshears pointed out inconsistencies in the Commissioners' leadership claims, highlighting their lack of action on several critical issues. She noted that despite some Commissioners being in office for over a decade, the County has not developed a comprehensive plan. She cited delays in addressing the courthouse renovation, the unspent \$2 million from the Dogwood Trust for affordable housing, and the nearly expired American Rescue Plan funds as examples of unmet community needs. She also criticized the Board for not condemning public speakers who have referred to educators as "groomers" and "indoctrinators." Ms. Broshears expressed frustration over the lack of collaboration between the Commissioners and the Board of Education, despite years of public statements promising cooperation. She accused a Commissioner's spouse of moving election signs, a Commissioner of making statements at a Moms for Liberty meeting about refusing federal funds, and a Board of Education member of writing

blogs advocating the elimination of public education. Ms. Broshears urged the Board to reflect on their actions, align their words with the needs of the community, and either approve the Superintendent's bond construction project management proposal or move forward with the grant proposal. She concluded by stating that if the current Commissioners are unable to address the community's critical needs, they should make room for those who will put the community first.

With permission from the Board, the Manager addressed public comments about the \$2 million Dogwood Health Foundation housing grant, clarifying the County's role in the project. She also invited Planning and Community Development Director Jeff Adams to provide further information. The Manager confirmed that the County is actively working with Dogwood Health Foundation, and the initial project funded by the grant has been completed. The grant primarily focused on infrastructure, and Dogwood allowed a delay in construction so the County could use available state funds that needed to be spent within a certain time. She emphasized that all planning aspects of the grant are either complete or in progress, and there is an upcoming call with Dogwood to update them on the County's housing plan.

Mr. Adams added that the housing study is expected to be completed by January. The County has been collaborating with the Land of Sky and Asheville Regional Housing Consortium, as well as the Brevard Transylvania Housing Consortium, on affordable housing initiatives. One of these efforts included a letter of support for Brevard's Pro-Housing Grant project.

The Manager highlighted the importance of the flexibility that Dogwood has provided, allowing the County to leverage state funding while still retaining grant money for future investments. However, she clarified that any funding must meet state requirements, limiting the County's ability to directly invest in workforce housing, but allowing investment in infrastructure and affordable housing (primarily for those earning 60% or below the median household income). She wanted to correct misconceptions about the County's role and ensure that Dogwood's flexibility and support were properly acknowledged.

AGENDA MODIFICATIONS

There were no agenda modifications.

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

CONSENT AGENDA

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

The Board approved the following items:

PROCLAMATION - CONSTITUTION WEEK

The Board approved Proclamation #25-2024, officially recognizing September 17-23 as Constitution Week. This weeklong celebration honors the U.S. Constitution, one of the most important documents in American history. The national observance of Constitution Week, originally established by a resolution from the Daughters of the American Revolution and signed into law in 1956 by President Dwight D. Eisenhower, aims to achieve three main goals:

1. Emphasize citizens' responsibilities to protect and defend the Constitution, ensuring its preservation for future generations.
2. Inform the public that the Constitution is the foundation of America's heritage and way of life.

3. Encourage the study of the historical events leading to the Constitution's framing in September 1787.

**PROCLAMATION # 25-2024
CONSTITUTION WEEK 2024**

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a republic dedicated to rule by law; and

WHEREAS, September 17, 2024, marks the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, It is the privilege and duty of the American people to commemorate the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and,

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE the Transylvania County Board of Commissioners does hereby proclaim the week of September 17 through 23 as **CONSTITUTION WEEK** and urges all citizens of Transylvania County to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

This the 9th day of September 2024.

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

TEMPORARY LICENSE PLATE AGENCY EMPLOYEE

The Board approved the hiring of a temporary employee for the License Plate Agency due to an upcoming 12-week leave of absence for a staff member starting in mid to late December. This period coincides with a particularly busy time for the Tax Office, as January marks North Carolina's statutory listing period. During this time, the office handles various tasks such as processing exemptions, appeals, Department of Revenue reports, and the deadline for paying 2024 tax bills without interest (January 7, 2025). Additionally, the anticipated increase in workload due to the upcoming 2025 Reappraisal adds to the challenge of maintaining regular operations. Given the Tax Office's busy schedule and the difficulty of reallocating current staff, the Board approved using lapse salaries from the Tax Administration budget to cover the temporary position.

PRESENTATIONS/RECOGNITIONS

ANNUAL VAYA HEALTH PRESENTATION

Angie Garner, Community Relations Regional Director for Vaya Health, gave an annual presentation to the Board of Commissioners summarizing the services Vaya Health manages and provides in Transylvania County. Key points from her presentation included:

Who We Are

- Vaya Health is a local political subdivision of the State of North Carolina, classified as a Local Management Entity/Managed Care Organization (LME/MCO) under Chapter 122C of the North Carolina General Statutes.
- Vaya Health operates as a Tailored Plan, overseeing publicly funded services related to mental health, substance use disorders, intellectual and developmental disabilities, and traumatic brain injury across a 32-county region.

The presentation highlighted Vaya Health's ongoing efforts to provide essential support and resources to citizens in the county and the broader region.

What is a Tailored Plan?

A Tailored Plan is a type of Medicaid plan designed to serve individuals with specialized needs that go beyond the scope of standard Medicaid plans. With the introduction of Medicaid Transformation in North Carolina, standard Medicaid plans were launched for the general population. However, certain individuals with complex needs, particularly related to behavioral health or developmental challenges, do not qualify for these standard plans. Tailored Plans are specifically designed to serve this subset of Medicaid recipients.

Vaya Health focuses on four main groups:

1. Individuals with Serious Mental Illness (SMI)
2. Individuals with Intellectual/Developmental Disabilities (I/DD)
3. Individuals with Severe Substance Use Disorders (SUD)
4. Individuals with Traumatic Brain Injuries (TBI)

Vaya Health not only serves Medicaid recipients in these categories but also provides services for uninsured individuals who fall in the gap between qualifying for Medicaid or private insurance. Even with Medicaid Expansion, there is still a small group of people who do not qualify for these standard programs, and Vaya Health helps cover their care. This ensures that those with the highest levels of need receive tailored support and services.

Who Manages Tailored Plans?

Tailored Plans in North Carolina are managed by four Local Management Entity/Managed Care Organizations (LME/MCOs) that work in partnership with the North Carolina Department of Health and Human Services (NCDHHS). With the consolidation and closure of some previous managed care organizations, the remaining four LME/MCOs now serve the entire state, ensuring that all 100 counties are covered.

Tailored Plan Management

Tailored Plan Management under Vaya Health and the other three managed care organizations involves overseeing both the behavioral health and medical needs of their members. If an individual is covered by Vaya Medicaid, Vaya will manage not only their behavioral health needs (such as for mental illness, developmental disabilities, or substance use disorders) but also their broader medical care, similar to traditional insurance providers like BCBS, United, WellCare, or AmeriHealth. Over the past four years, Vaya has been preparing for this role by setting up contracts with hospitals, pharmacies, and primary care offices across the state. This enables them to operate like an insurance company while functioning as a public organization. Additionally, Vaya employs care managers who work closely with members to ensure they receive the services and care they need, ensuring a comprehensive, managed approach to health and wellness.

What's Staying the Same?

For members who have been receiving services through Vaya Health, their current services will remain unchanged. The main difference now is that their medical claims will also be managed by Vaya, consolidating everything under one tailored plan. This integration is beneficial as it ensures that members are receiving coordinated care. Vaya has pharmacists and nurses on staff who help monitor high-utilizer members, making sure their care is streamlined. It also helps avoid situations where members may be taken advantage of or unnecessarily seeing multiple doctors, ensuring a more managed care approach. Since the members served under Vaya's tailored plans have a higher level of need, there are fewer members compared to standard plans, and it is more costly to serve them.

Services Offered by Tailored Plans

- Child and Adolescent Day Treatment Services
 - Provides mental health services for children within school systems. These specialized services may not be available in all counties.
- Intensive In-Home Services
 - Offers case managers and clinicians to work directly with children and families, either in their homes or at school.
- Multi-Systemic Therapy Services
- Psychosocial Rehabilitation
- Residential Treatment Facility Services
- Community Living and Supports
 - Targeted for individuals with Intellectual/Developmental Disabilities (I/DD) and Traumatic Brain Injury (TBI).
- Supported employment
 - Available to individuals with I/DD, TBI, or behavioral health needs.
- Respite Services
 - Specific to individuals with I/DD, TBI, serious emotional disturbances, and severe substance use disorders (SUD).
- State-Funded Behavioral Health, I/DD, and TBI Services
 - They are tailored for individuals who do not qualify for insurance but have a high level of need. Vaya Health pays for their services, ensuring they receive the necessary care.

Vaya Total Care: What's New for Members?

- New Vaya Total Care ID Card
 - Members will receive a new ID card, which now includes the Primary Care Provider (PCP) listed on the card for easy reference.
- How Members Can Access Information
 - Behavioral Health Crisis Line
 - Member & Recipient Services Line
 - Pharmacy Line
 - Nurse Line
 - Non-Emergency Medicaid Transportation
- Additional Supports
 - Members will receive detailed information in a Handbook and Welcome Packet, outlining available resources and support to help navigate their care.

Vaya Total Care: Supports for Members

- Vaya Total Care Perks for Plan Members
 - These perks are designed to help members with various health and well-being needs beyond standard services. Some perks available for eligible members include:

- Wellness Perks
- Pregnancy Perks
- GED Perks
- Safety Perks
- Non-Medical Transportation Perks
- Non-Emergency Medicaid Transportation (NEMT) for Physical and Behavioral Health Appointments
 - Vaya is responsible for scheduling transportation to medical and behavioral health appointments. A care manager, provider, or member can arrange this.
 - Scheduling options include a mobile app, call-in number, or online scheduling.
 - Transportation vendor: Modivcare.

Vaya Total Care: Support from Tailored Care Managers

- Arranging medical appointments
- Assisting in finding medicine and medical supplies
- Providing support for chronic health issues
- Locating childcare and after-school care.
- Finding housing options and financial assistance.
- Helping members join prevention programs.
- Finding resources for home maintenance and repairs.
- Supporting transitions out of hospitals or nursing facilities
- Arranging transportation

Healthy Opportunities Pilot

- The federal government has allocated up to \$650 million in state and federal Medicaid funding over five years to test non-medical interventions aimed at improving health outcomes and reducing healthcare costs for a subset of Medicaid enrollees.
- Eligibility for the Healthy Opportunities Pilot (HOP)
 - Must be enrolled in a Vaya Total Care Medicaid Health Plan.
 - Have at least one qualifying physical or behavioral health condition and one qualifying social risk factor.
 - Reside in one of the following counties: Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Transylvania, Swain, or Yancey.
- Impact Health administers HOP and works with community-based organizations to provide the following support:
 - Housing
 - Food
 - Transportation
 - Toxic Stress & Interpersonal Violence Supports

Ms. Garner concluded her presentation. Chairman Chappell invited comments and questions from the Commissioners.

Commissioner Chapman asked about the length and sustainability of the grant that Vaya received to hire a new person. Ms. Garner clarified that Vaya had just been notified about the new position and was unsure of the funding timeline. However, she expressed optimism that if the position gains traction and proves effective, it is less likely to be eliminated once the grant funding ends.

Ms. Garner highlighted that Vaya has a statutory obligation to remain a managed care/local management entity for four years. This period is crucial for Vaya to ensure that it can continue to serve its members effectively. She pointed out that the State has been moving toward privatization and has reduced the

number of managed care organizations. Therefore, Vaya's ability to navigate this landscape within the four-year timeframe is critical, as decisions about the future of managed care in North Carolina will be made by state officials in Raleigh.

Commissioner Chapman sought clarification on the composition of the Vaya Health Board, specifically whether it consists solely of government representatives or includes private sector employees. Ms. Garner explained that Vaya Health has a governance structure that includes four regional boards due to its large service area. Region II, which includes Buncombe, Transylvania, Madison, Mitchell, Yancey, Polk, and Henderson counties, has a specific makeup defined by statute. The board is required to include representatives from various sectors and must include at least one county commissioner or a representative from the health department. The majority of the board members are typically county managers, county commissioners, and directors of health departments or health and human services agencies. In addition to the regional boards, there is a Consumer and Family Advisory Committee that includes private sector representatives.

Chairman Chappell inquired about the specific figures related to Medicaid transportation services, expressing concern over the time-consuming nature of managing such a service. Ms. Garner responded that Vaya Health will soon provide county-specific data regarding the number of individuals accessing non-emergency medical transportation (NEMT) through Vaya. She also mentioned that she would later provide information on the number of agencies or individuals that Vaya contracts with for these transportation services through Modivcare, the transportation vendor responsible for coordinating NEMT.

Commissioner Dalton asked whether Vaya serves dual-eligible individuals, those who qualify for Medicare and Medicaid. Ms. Garner confirmed that Vaya does serve dual-eligible individuals but clarified that they do not serve Medicare-only recipients. Commissioner Dalton pointed out that many benefits Ms. Garner described are also available to individuals on the Medicare side.

Commissioner McCall recalled Ms. Garner's mention of in-school day treatment programs and inquired about how many school systems are utilizing them. Ms. Garner explained that Henderson County stopped using such services a while ago, and Buncombe County paused its program when the School Board sought a new provider. She emphasized that it is a significant decision for school boards to allow private agencies to provide services in schools, as it involves trust and liability. Many schools are now opting to handle treatment in-house with different programs.

Commissioner McCall noted that Blue Ridge Health provides outpatient counseling in local schools. She also observed that, even with Medicaid expansion, there is a shortage of healthcare providers, meaning that individuals who now qualify for Medicaid may still not receive the services they need. Ms. Garner agreed, highlighting the difficulty of recruiting providers, particularly in rural counties. She mentioned that Vaya has partnered with providers from Buncombe County to bring certain services to Transylvania County for adults with higher needs. Blue Ridge Health had to pause some services due to staffing shortages, but Vaya was able to step in with a team from Buncombe County, which now has a full caseload. Vaya continues its efforts to find more providers to address service gaps.

The presentation concluded without any further questions from the Commissioners.

COUNTY VETERANS SERVICE OFFICE ANNUAL REPORT

Veterans Service Officer Frank Pearsall presented his annual report to the Board of Commissioners, focusing on the impact of VA expenditures in Transylvania County and providing updates on the VA program. Mr. Pearsall highlighted that a substantial amount of funds flow into the County each year for veterans' benefits, including disability claims and VA hospital care. He noted that while the workload has remained steady during his 18-year tenure, the nature of the veterans he serves has shifted. Many of the

veterans seeking assistance now are from the Gulf War, as WWII and Korean War veterans have mostly passed on, and Vietnam veterans are aging.

Since 2006, Mr. Pearsall has submitted nearly 4,000 claims on behalf of local veterans. He described the Veterans Administration as overwhelmed, with more than a million disability claims currently backlogged. He mentioned that the claims he filed in October 2022 remain unresolved, and the appeals process can take five to seven years. Despite his efforts to thoroughly prepare each claim to improve the chances of success, decisions on claims still take about a year.

Mr. Pearsall is available for walk-ins and appointments on Tuesdays and Thursdays and by appointment on Mondays, Wednesdays, and Fridays. The Commissioners expressed their gratitude for his work and encouraged local veterans to contact him for assistance.

NEW BUSINESS

FY 2026 SECTION 5311 ADMINISTRATIVE, COMBINED CAPITAL PROGRAM, CAPITAL NON-STI RURAL EXPANSION VEHICLE PROGRAM AND SECTION 5310 OPERATING PROGRAM

The Manager referred the Board of Commissioners to the public hearing presentation by Planning and Community Development Director Jeff Adams. She requested their approval of the grant application for the FY 2026 Public Transportation Program. The Manager noted that matching funds are budgeted annually.

In response to Commissioner Dalton's inquiry, the Manager explained that on-demand transit has been in place for over a decade, predating her 10-year tenure as County Manager, while the fixed-route transit system was implemented four years ago. Despite being a small county, Transylvania County benefits from having a fixed-route system due to its limited roadway footprint, allowing for a manageable main line for transit operations. She also pointed out that a survey is available on the County's social media page for feedback on the fixed-route transit stops. Additionally, the Manager confirmed that all buses and minivans in the system are handicap accessible and equipped with bike racks.

Commissioner Dalton moved to approve Transylvania County Transportation's application for FY 2026 Public Transportation Program funding, authorize agreements with the NC Department of Transportation, provide the necessary assurances, and the required local match, and adopt the 5311 Designee Certification form via resolution. Commissioner Chapman seconded the motion, and it was unanimously approved.

Chairman Chappell remarked that this program offers one of the highest returns on the County's investment.

INPUT ON PISGAH NATIONAL FOREST MANAGEMENT PLAN REVISION

David Whitmire of the Fish and Wildlife Conservation Council (FWCC) addressed the Board regarding concerns over a proposed amendment to the Pisgah National Forest Plan. The Council, representing 18 counties in Western North Carolina, participated in developing the original plan, which took 12 years and was finalized in February 2023. The plan set aside 265,000 acres for old-growth forests, including 35,000 acres in Pisgah District.

In April 2022, the Biden Administration issued an executive order mandating a national old-growth amendment, impacting 128 forests, including Pisgah. Mr. Whitmire expressed concern that the fast-tracked amendment, expected to be finalized within a year, would undermine years of local collaboration and threaten wildlife habitat management.

Mr. Whitmire noted the plan developed over a decade reflects local input and balanced forest management. The new amendment would significantly change this, restricting the management of about 60% of Pisgah and Nantahala forests, which are already in non-manageable or restricted areas. This could limit forest restoration and habitat management, particularly for young forests, which make up less than 1% of the area but should be at 7.5%. He emphasized that the current forest structure is not threatened by timber harvest, questioning the urgency of the amendment.

Mr. Whitmire highlighted specific projects at risk if the amendment proceeds, including the Grandfather Appalachian Pisgah (GAP) project, the Lickstone Project, and the Cradle of Forestry Wildlife Demonstration Area. He also raised concerns about potential litigation, which could delay or block these projects.

Mr. Whitmire asked the Board to submit comments on the proposed amendment by the September 20 deadline. He also suggested the Board request that Congressman Edwards hold a local congressional hearing on the issue. He noted that while Congressman Edwards was aware of the situation, action from the Board would carry more weight.

Chairman Chappell expressed concern that the collaborative effort put into the forest plan might be disregarded and supported submitting comments.

Commissioner Chapman proposed updating the Board's 2016 resolution to reflect current concerns, with assistance from the FWCC, and forwarding it to the appropriate authorities.

Commissioner McCall suggested giving staff authority to revise the 2016 resolution and allow the Chairman to sign it before the September 20 deadline, as the Board would not meet again until after that date.

Commissioners Chapman and McCall emphasized keeping local and state legislators informed and involved, even though it is a federal issue.

Commissioner McCall moved to authorize staff to update the 2016 resolution, incorporating comments and concerns expressed by David Whitmire, prepare it for the Chairman's signature, and forward it to our state and federal legislators, seconded by Commissioner McKelvey.

Commissioner McCall sought confirmation that the proposed amendment would remove local federal management of 128 national forests, consolidating them under one plan. Mr. Whitmire clarified that it only impacts old-growth management but significantly alters the Nantahala Forest Plans. He expressed concern that the amendment is politically driven. Commissioner McCall voiced support for keeping forest management under local control, a sentiment echoed by Commissioner McKelvey, who noted that forest plans should be tailored locally, not one-size-fits-all. Chairman Chappell agreed, emphasizing that the current plan reflects a collaborative compromise, which this amendment undermines. Mr. Whitmire highlighted Transylvania County's history as the birthplace of forestry and its strong connection to forest and wildlife conservation. Commissioner Dalton stressed the importance of forest management and controlled burns, recalling recent forest fires threatening the County and the potential danger of future fires without proper management. Mr. Whitmire added that while climate change is the Biden Administration's stated reason for promoting the old-growth amendment, there is no scientific evidence that the proposed changes would impact climate resilience. He pointed out that Pisgah National Forest is already highly resilient to climate change. Commissioner Chapman encouraged each Commissioner to contact Congressman Edwards. Chairman Chappell asked Commissioner Chapman to share this issue through the NC Association of County Commissioners. **The motion was approved unanimously.**

ADDITIONAL FUNDING FOR GLULAM BEAM REPAIRS AT BREVARD HIGH SCHOOL

Assistant County Manager David McNeill presented a request regarding the Brevard High School glulam beam project. The original budget of \$106,000 was based on a contractor's quote. A repair plan by structural engineer Ed Medlock outlined that rotten wood needed to be removed after steel plates were added to support the structure. This removal was largely cosmetic, and the plan called for epoxy sealant and a sealer to prevent further rot. Caps will be added to protect the structural beams. The repair plans, provided to the contractor, included drawings specifying where rotten wood should be removed and treated with epoxy, with the beams already exposed on-site.

Piper Roofing submitted a contract for \$105,717.50 for the project. However, the County later received a change order request for an additional \$20,421.54, representing a 19.3% increase on the original contract. Piper Roofing explained that they had underestimated the amount of epoxy required and did not foresee the extent of wood removal when they initially provided the quote.

County staff reviewed the change order request from Piper Roofing and consulted the engineer and an architect involved in the project. With permission from Transylvania County Schools, they also contacted the contractor. It was determined that the scope of work had not changed from the original design. After reviewing Piper Roofing's change order request, staff concluded that the contractor underestimated the materials needed, specifically the amount of epoxy, and this error should not warrant a change order under the contract terms. The contractor did not specify or quantify the materials to be removed or the epoxy application in the contract, nor did they provide unit pricing. The repair plan indicated the area where rotten wood needed removal, and that area was available for the contractor to inspect and determine appropriate pricing before submitting the quote.

County staff routinely review change orders based on the contract terms and the justification provided to ensure responsible use of public funds. For remodeling and remediation projects, it can be more challenging to estimate accurately, and unforeseen elements may arise that are missed during planning. In such cases, if the scope of work was not fully accounted for, staff may approve a change order. If the issue arises due to the contractor underestimating the work staff will not approve the change order. Each change order is carefully reviewed by County staff, the construction team, the engineer, and the architect to ensure compliance with the contract. If a request is not compliant, it is rejected. In some situations, staff may seek feedback from the engineer and architect to determine the appropriate cost versus what the contractor is requesting, which can lead to negotiations if necessary. When a contract discloses an estimated total with a unit cost for additional work beyond that estimate, staff typically include those unit costs as part of the contingency budget. This method allows the County to account for potential overages more accurately. If this contract with Piper Roofing had been structured with unit costs in place, staff would have operated under that model and handled any adjustments accordingly. Having unit costs specified enables staff to compare different contractor bids more effectively.

While County staff believes the contractor is responsible for the change order resulting from underestimating the contract price, staff recommended that the Board of Commissioners consider a change order of 10%, or \$10,571.75, to keep the project moving forward. If approved, the money for the change order will come from the Education Capital Fund.

Commissioner Chapman inquired about Piper Roofing's options if they did not receive the full request. Mr. McNeill explained that the contractor is committed to completing the project and understands the underestimation was their responsibility. The contractor did not include unit pricing in their bid, which led to the discrepancy. However, Piper Roofing has a good history with the County on previous projects, mainly roofing jobs, and they have made no indication of defaulting on the contract.

Commissioner McCall asked if the contractor is obligated to complete the work under the existing contract terms, which Mr. McNeill confirmed. He also reassured the Board that a structural engineer would conduct the final inspection to ensure the project meets specifications.

Commissioner McKelvey inquired about the possibility of the contractor pressing for the remaining 10% after the project's completion. Mr. McNeill responded that based on his conversations with the contractor, he did not expect this to happen. The contractor had communicated in writing that they would respect the Commissioners' decision, though they would prefer to receive the full amount. The staff made it clear to the contractor that the requested 19% increase was unreasonable, especially for a remodel or remediation project.

Chairman Chappell emphasized the importance of completing the project fully and appropriately, without cutting corners, as it is critical to preserve and extend the life of the facility while the County works on other projects. He expressed concern that by approving only a 10% change order instead of the 19.3% requested, the project might not be completed to the County's satisfaction. Mr. McNeill reassured him that he had confidence in the contractor, given their history of successful work with the County. He believed that the contractor would complete the project correctly, despite the reduced change order. Mr. McNeill also emphasized that the County would have a structural engineer inspect the project to ensure that it is completed according to the engineering plan's specifications. The structural engineer had already specified the type of epoxy to be used, ensuring there would be no changes in materials, which should help alleviate concerns about the project not being completed properly.

The Manager noted that County staff apply consistent standards to all contractors, and there has been no decrease in contractors willing to work with the County. Staff see no concerns regarding change orders, as the County's expectations align with standard business practices.

School System staff (comments were not audible on the recording) indicated no issues proceeding with a 10% change order.

Commissioner Chapman moved to authorize a change order of 10% (\$10,571.75) for the glulam beam project to keep it moving forward, seconded by Commissioner McCall. Commissioner Chapman emphasized that the offer is fair, reminding the Board that it involves money. Commissioner McCall added that 10% is an industry standard. **The motion passed unanimously.**

REVISED NEEDS-BASED PUBLIC SCHOOL CAPITAL FUND GRANT APPLICATION

A portion of lottery funding is allocated to a needs-based public school grant program, with \$254 million appropriated for FY 2023-2024. Applications require endorsements from both the School Board and County Commission, but fund management is handled by the counties. Despite multiple applications, Transylvania County and the Board of Education have yet to receive a grant due to NCDPI's selection criteria.

After the August 26 Board of Commissioners meeting, the County Manager and Superintendent reviewed the feedback. The revised application, presented to the Board of Education, is now up for County Commission approval. Key revisions include:

- Budget adjustments for the Brevard High School project, based on the 2022 revision with added escalation; timelines were also clarified.
- Post-award procedures and adjusted construction timelines if the project proceeds.
- Increased funding match from the Education Capital Fund.
- Inclusion of the structural engineer's maintenance plan and updated language to align with it.
- Revised usage of additional funds if the grant is awarded.

- New language to address NCDPI criteria by potentially serving Davidson River School students.

The application requires the Commission to be prepared to enter a funding agreement with NCDPI, with project audits and County match funding under County oversight. The maximum grant available is \$62 million, requiring a County match of \$19 million, plus \$2.2 million in architect fees already spent between 2019 and 2022 specifically for this project.

The County Manager recommended that the Commissioners approve the revised Needs-Based Grant Application from Transylvania County Schools. She expressed appreciation to Superintendent Fletcher for her collaboration, noting that these updates better position the County to secure funding for improvements at Brevard High School.

Commissioner Chapman asked about the timing for matching funds if the grant is awarded. The Manager explained that funding would align with the project timeline. While grant funds would be immediately available, the County would need to cover its match portion as the project progresses. Potential funding sources include the second bond sale and possibly other funds, although bonds cannot be sold until project bids are secured. Initial cash may be required for design work to finalize timelines and budgets, but the Manager deemed the funding plan feasible. She also noted that some funds from the first bond sale could potentially be reallocated, though not all.

Chairman Chappell shared that he and Commissioner Dalton had advocated for grant support in a recent meeting with State legislators.

Commissioner McCall inquired if the application had strengthened after revisions. The Manager confirmed, stating she felt confident the budget would cover the full project scope if awarded. Commissioner McCall expressed hope for approval, noting that with other grants awarded statewide, Transylvania County may now have greater chances.

Commissioner McCall moved to approve the submission of this grant application with the revised changes, seconded by Commissioner Dalton and unanimously approved.

AUTHORIZE COUNTY MANAGER TO NEGOTIATE TRANSYLVANIA COUNTY SCHOOLS AGREEMENTS

Superintendent Lisa Fletcher presented a proposal from the Board of Education outlining initial terms for an interlocal agreement to manage bond funds. The Board of Commissioners reviewed two possible agreement options at their last meeting and referenced an earlier agreement that needs updating. The item was tabled for further discussion.

The Manager noted that a key focus has been the potential hiring of a County project manager for bond projects. For public context, the County has had a project manager, Larry Reece, overseeing County projects for 20 years. With 37 years of engineering and project management experience, including time at Ecusta, Mr. Reece has been instrumental in managing a range of County projects, including new construction, renovations, site work, and pre-planning meetings for educational capital projects. His on-site oversight has been essential for ensuring project success across County facilities.

Mr. Reece's role provides significant benefits to the County by:

- Reviewing change orders and ensuring proper contract administration
- Conducting regular inspections to uphold work quality
- Monitoring schedules and budgets to keep projects on track
- Coordinating with the project team to meet public construction standards
- Maximizing tax dollars while ensuring quality capital investments

While Mr. Reece has not been required to present directly to the Board, this may be expected of a future project manager overseeing education projects, who would report in person to both Boards.

Current projects totaling \$15 million include:

- Rosman-Brevard Water Interconnect
- Sylvan Valley Industrial Building Expansion
- Courthouse Design Phase
- Landfill Expansion
- Library Amphitheater

The original interlocal agreement is now invalid due to changes in the scope of bond-funded projects. The Board of Education has authorized the Superintendent to renegotiate this contract.

This agenda item seeks authorization for the County Manager to negotiate with the Superintendent to establish a new agreement between the two Boards. The Manager recommended that the Board grant her authority to negotiate the terms of the Transylvania County Schools agreements.

Chairman Chappell expressed that the two Boards are progressing well, and this recommendation will expedite negotiations to establish a mutually beneficial agreement.

Commissioner McCall noted that the County Manager and Superintendent Fletcher have already been engaged in discussions while reviewing the grant proposal. She emphasized that the Board of Education's authorization for the Superintendent to negotiate reflects their confidence in her abilities. Commissioner McCall likewise has full confidence in the County Manager and believes it is more efficient for the Manager and Superintendent, who understand their Boards' priorities, to negotiate the agreement's specifics. She is confident they will finalize a contract that aligns with both Boards' expectations.

The Manager noted that at the last Board meeting, Commissioners discussed Options A and B, ultimately considering an Option C before tabling the item. She now believes, with input from both Boards and collaboration with Dr. Fletcher, that they are ready to develop an Option C as a compromise that allows both parties to move forward. Legal agreements will also need to be prepared for bond counsel review.

Chairman Chappell praised both Boards for their collaborative approach. Commissioner McKelvey shared his appreciation for the teamwork and agreed that the Manager's recommendation would streamline the negotiation process.

Commissioner Dalton asked if the agreement was required before presenting it to the Local Government Commission for bond sales. The Manager clarified that while not mandatory, it is recommended. Once terms are finalized, the bond counsel typically drafts the agreement, with legal review from both entities' attorneys.

Commissioner McCall requested confirmation that the agreement and audit do not impact the scheduled bond sale next month. The Manager confirmed that the County remains on track for the October bond sale, with the audit cleared and no requirement for the FY 2024 audit to be completed. The agreement will primarily guide project implementation once bond funds are available.

Commissioner McCall moved to authorize the County Manager to negotiate the details of the Transylvania County Schools agreements with Superintendent Lisa Fletcher, seconded by Commissioner McKelvey and unanimously approved.

NORTH CAROLINA COMPLETING ACCESS TO BROADBAND 2.0 PROGRAM APPLICATION AND BROADBAND UPDATE

Information Technology Director Nathanael Carver presented a request to the Board, reporting that on September 4, 2024, NC DIT awarded Comporium a \$4 million Contingent Great Grant, replacing the previous grant that Zitel withdrew from. The \$1 County match from the Zitel Grant will now be applied to this new grant, with Comporium contributing an additional \$2.5 million. This grant will provide fiber broadband service to 946 households, totaling \$10.8 million in Great Grant funding for broadband in Transylvania County.

Once these 946 homes are removed from the NC DIT eligibility list, 1,354 homes will remain without broadband service, resulting in 94.6% of eligible addresses being served.

Recently, NC DIT announced the rollout of CAB 2.0, which addresses previous funding challenges by covering the 10% county match for large projects through the Stop Gap Program. Jeff Brooks from the NC DIT Broadband Infrastructure Office has allocated \$500,000 to Transylvania County for the county match on a CAB 2.0 project, which can be up to \$5 million.

In the coming weeks, the County will collaborate with NC DIT, Land of Sky, and various internet providers to optimize the \$5 million from the CAB 2.0 Program. The goal is to add 500-600 more households, aiming for nearly 97% of eligible households served, leaving approximately 800 households remaining.

Below is a comparison of eligible locations remaining in surrounding counties if Transylvania County reaches its goal of serving 97% of households:

- Transylvania County: 800 eligible locations remaining
- Buncombe County: 1,900 eligible locations remaining
- Henderson County: 4,600 eligible locations remaining
- Haywood County: 1,300 eligible locations remaining
- Jackson County: 4,700 eligible locations remaining

The County IT Department will post a link on the County's social media and website for residents to verify that the FCC has classified their addresses correctly. Mr. Carver encouraged residents to check their broadband information.

He recommended that the Board authorize the County Manager to sign and proceed with the application. Mr. Carver emphasized the goal of achieving 100% broadband coverage and stated that efforts will continue with providers to identify additional funding programs to reach that objective.

Chairman Chappell praised the Manager and Mr. Carver for their efforts in advancing broadband grants, expressing gratitude for local providers' support. He acknowledged that the achieved percentages and funding result from countless hours of work by staff and others to improve citizens' access to broadband. The \$1 ARPA contribution was made possible by staff thoroughly reviewing regulations to maximize its impact on the application. He also thanked Comporium for their contributions. The staff's goal of achieving 100% coverage reflects their dedication to this critical issue.

Chairman Chappell inquired about the timeframes for the various steps. Mr. Carver responded that the \$4 million grant was announced last week, and Comporium intends to accept the award. He has been in discussions with staff at the Land of Sky Regional Council on ways to optimize the grant. In the coming weeks, they will work with NCDIT to discuss the plan moving forward.

Commissioner Chapman thanked Comporium for their excellent work in expanding broadband services to residents and expressed appreciation for the company's investment in Transylvania County.

Commissioner McCall called this exciting news, noting the benefits for many, including students in the School System who will gain better broadband access. She reflected on the Board's accomplishments over her four years of service, countering claims that they do not plan effectively. She emphasized that this progress is a testament to the County Manager and staff prioritizing broadband. She also thanked Mr. Carver for his contributions to Transylvania County.

Chairman Chappell remarked that this initiative was one of the commitments Commissioners made to focus on a few years ago, and they have succeeded thanks to exceptional staff and recent announcements. He highlighted the importance of connections and advocacy, specifically mentioning Senator Corbin as a strong supporter of the Great Grant WNC. He commended Transylvania County's dedication to broadband access and noted that the Board's advocacy has led to an unprecedented influx of State and federal funding in recent years.

Commissioner Dalton moved to authorize the County Manager to sign and proceed with the application, seconded by Commissioner Chapman and unanimously approved.

The Manager reported the following updates:

- County Administration Work: Maintenance projects, including a roof replacement due to a leak, will occur in August and September. Access to the Chambers from the courtyard may be restricted during this time, but advance notice will be provided for upcoming meetings.
- Bond Sale for Education Projects:
 - The bond sale remains on schedule. The FY 23 audit has been completed and accepted by the LGC; no FY 24 audit is required for the October sale, with funding available in November.
 - LGC staff have reviewed the scopes of work for the bond sale.
 - Bond rating calls are scheduled for next week, with an expected high rating for favorable market terms.
- FY 24 Audit: Auditors are on-site this week for fieldwork.
- Housing Plan: Surveys and interviews are wrapping up, with completion expected in early 2025. The 2022 Burlingame study assessed the water and sewer system purchased by the Town of Rosman for serving residents outside the community. The 2023 water and sewer line project on US 64 was completed using infrastructure funds from the State, allowing Dogwood funds to be reserved for future projects. Currently, no applications for infrastructure housing funds have been submitted to Dogwood, though some housing construction applications were not eligible for County participation. The County remains committed to collaborating with the Housing Coalition, despite recent public comments that have been disheartening.
- Recognition for Health Department: The WIC program received a Gold Breastfeeding Award of Excellence from the USDA Food and Nutrition Service for its efforts to support breastfeeding mothers and babies. This year, only seven counties in North Carolina received the award, highlighting Transylvania County's commitment by providing local funding to the program.
- Sales Tax Referendum: In July, the Board voted to hold a referendum on a new quarter-cent sales tax, increasing the rate from 6.75% to 7%, pending voter approval. Thanks to Budget and Management Analyst Jennifer Wright for creating the educational materials for the website and social media.

Chairman Chappell inquired if the County was at risk of returning any ARPA funds, to which the Manager responded that it was not. He reassured the public that the Board plans to spend the ARPA funds within the established deadlines. He noted that Dogwood was willing to extend its grant deadlines, allowing the County to utilize other funding within a specified time.

The Manager explained that the Board would need to amend the originally submitted ARPA plan due to several projects coming under budget, resulting in leftover funds. An upcoming agenda item will address this. She is collaborating with the City of Brevard and the Town of Rosman to compile their lists of capital projects. This information is crucial for identifying grant opportunities that the County can share with municipalities, ensuring effective advocacy on their behalf. The Manager reiterated that there is no threat of losing ARPA funds, and Dogwood has expressed satisfaction with the County's progress. This alignment will enhance the implementation of the housing plan with the remaining funds.

PUBLIC COMMENT

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

COMMISSIONERS' COMMENTS

Commissioner Chapman reflected on what was presented at this meeting, he was concerned going forward about plans to prevent the schools from getting in the condition that they are in now. The beams at Brevard High School did not deteriorate within the last couple of years. He did not recall any requests from the Board of Education regarding structural integrity issues of those beams. The same is true with the old gym. He directed his question to the County and the School System about whether there is an adequate preventative maintenance plan in place before conditions deteriorate this far. If it was a money issue, he did not recall any requests for funding from the Board of Education. He encouraged both entities to look at their preventive maintenance programs and utilize consulting firms if necessary to help establish such. The County will be spending over \$60 million on much-needed repairs and he wanted to ensure there is a plan to ensure these issues do not arise again.

Commissioner McCall addressed the public comments accusing the Board of lacking plans or action on certain projects. She highlighted a range of initiatives the Board has implemented to support citizens in need of housing assistance. For example, in 2021, the County allocated funds to the Sharing House to assist residents with rental payments. She emphasized that the current housing plan will include strategies that comply with State statutes, enabling the Board to take meaningful action in the housing crisis. While the County may not directly build homes, it can collaborate with the City of Brevard and the Town of Rosman to identify suitable areas for affordable and workforce housing. She pointed out that two potential sites for such projects have encountered soil issues. Commissioner McCall asserted that the list of efforts the Board has undertaken is extensive and countered claims that the County has unutilized funds. Following Tropical Storm Fred, the County actively helped displaced residents secure housing. Additionally, from 2018 to 2020, the County applied for and managed aid to assist qualifying homeowners in repairing and maintaining their homes. She firmly stated that any accusations suggesting the County has not invested in affordable housing initiatives are misleading and emphasized the importance of facts in these discussions.

Chairman Chappell reminded everyone that the deadline for the School System's survey, aimed at gathering input for their strategic plan, is approaching this Friday. He encouraged all those with an interest to participate and ensure their voices are heard in the planning process.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner McCall moved to adjourn the meeting at 6:50 p.m., seconded by Commissioner McKelvey and unanimously approved.**

Jason R. Chappell, Chairman
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board