

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**September 10, 2012 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, September 10, 2012 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Jason Chappell, Chairman Mike Hawkins, Daryle Hogsed and Kelvin Phillips. Commissioner Larry Chapman was absent due to his job commitments. Also present were County Manager Artie Wilson, County Attorney David Neumann, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Eric Crews

There were approximately 35 people in the audience.

**CALL TO ORDER**

Chairman Mike Hawkins presiding called the meeting to order at 7:03 p.m.

**WELCOME**

Chairman Hawkins welcomed everyone to the meeting and thanked the members of the audience for participating in their County government. Chairman Hawkins introduced the members of the Board of Commissioners and staff.

**PUBLIC COMMENT**

Dick Thompson: Mr. Thompson spoke in opposition to the proposed GroWNC initiative. He said he is not opposed to learning more about environmental activities or new transportation ideas; however there are already County departments responsible for such activities. Mr. Thompson believes this initiative has a pre-selected agenda and will not be based on the surveys taken by citizens. He stated that counties are being fooled by the illusion of free money and reminded Commissioners of their fiduciary responsibility to the taxpayers of this County to act with fiscal restraint and therefore opt out of participation in GroWNC.

**AGENDA MODIFICATIONS**

There were no agenda modifications.

**Commissioner Hogsed moved to approve the agenda, seconded by Commissioner Chappell and unanimously approved.**

**CONSENT AGENDA**

**Commissioner Phillips moved to approve the Consent Agenda as submitted, seconded by Commissioner Hogsed and unanimously approved.**

The following items were approved:

MINUTES

The minutes of the August 27, 2012 regular meeting were approved.

## **PRESENTATIONS/RECOGNITIONS**

### IN RECOGNITION OF JEFFREY M. HUBBARD

Jeff Hubbard has been an employee of Transylvania County since 1998 where he has served as an officer in the Sheriff's Office. He also had prior years of service with the Brevard Police Department. He retired from Transylvania County effective September 1, 2012. Sheriff David Mahoney, Chief Deputy Eddie Gunter and Commissioners thanked Mr. Hubbard for his service to the community and recognized him with a resolution.

**Commissioner Hogsed moved to approve Resolution 40-12 In Recognition of Jeffrey M. Hubbard, seconded by Commissioner Phillips and unanimously approved.**

(Resolution 40-12 In Recognition of Jeffrey M. Hubbard is hereby incorporated by reference and made a part of these minutes.)

### RESOLUTION ALLOWING RETIRING OFFICER TO PURCHASE HIS SERVICE HANDGUN

NC General Statute 20-187.2 allows the governing board to award to a retiring member the service handgun of the retiring member. Jeffrey Hubbard retired from the Transylvania County Sheriff's Office on September 1, 2012 and it is the request of Sheriff David Mahoney that the Board of Commissioners allows Mr. Hubbard to purchase his service handgun for the purchase price of \$1.

**Commissioner Hogsed moved to approve Resolution 41-12 Allowing Retiring Officer to Purchase His Service Handgun, seconded by Commissioner Chappell and unanimously approved.**

(Resolution 41-12 Allowing Retiring Officer to Purchase His Service Handgun is hereby incorporated by reference and made a part of these minutes.)

### TRANSYLVANIA REGIONAL HOSPITAL-BENEFIT TO THE COMMUNITY

Transylvania Regional Hospital CEO Bob Bednarek provided an update on the status of the hospital and its benefit to the community. Transylvania Regional Hospital (TRH) is a nonprofit organization that focuses on certain values. Those values include being patient-focused, believing in teamwork, a commitment to excellence and accountability to the community and each other, and trust.

Mr. Bednarek reported that TRH was recently named a top performer nationally. Out of 4,500 hospitals, 404 were recognized nationally. Of those, 14 were located in North Carolina and only one was west of Charlotte. The recognition included measurement in the area of care of pneumonia patients and surgical care infection prevention.

In terms of value, TRH contributes back as a nonprofit to the community approximately \$6.4 million in services each year. This breaks down into \$1.8 million in charity care for 2,556 people and another \$3 million in non-collectible services to 4,761 people. TRH does not turn people away in need of services. In addition, Medicaid and Medicare do not pay the cost of delivering services. TRH subsidizes government programs with an additional \$1.2 million annually. Also, participation by staff in other nonprofits and community activities quantifies to approximately \$400,000.

Over the past year, TRH has recruited a couple of new practitioners for the Lake Toxaway Community Health Center and in the TRH Urology Department. TRH also completed a unique grant which allowed special work with patients with chronic obstructive pulmonary disease. The grant improved the quality of life for nearly 120 patients. TRH continues to work on improvements to their programs, such as hospice. Regionally, TRH and the Transylvania County Health Department cooperated with hospitals and health departments across the area in a regional assessment of health. They will be looking at the County's

health assessment needs and work on a collaborative plan to meet some of the needs that are lacking. Mr. Bednarek reported that Davita will be opening a dialysis center in the spring of 2013. TRH is also cooperating with Blue Ridge Community Health Services, which is currently under construction and expected to open in late October. Those two organizations will bring about 24 jobs to this community.

TRH has a payroll of \$26 million and is the County's largest employer. It is a member of Mission Health System. The intent of this affiliation was to maintain, enhance and increase access to services locally. Being part of the larger organization has proved to be beneficial in terms of quality care and budgetary matters.

Mr. Bednarek stated that TRH is committed to ensuring that each patient gets the expected outcome without harm, without waste, and with an exceptional patient experience. Over the next few years the organization will focus on keeping people healthy through wellness and health programs. TRH is in the very early stages of exploring a concept called a medical wellness facility. There will also be focus on population health needs being that Transylvania County has a large aging population and initiate programs that help people manage chronic disease and find ways for people to be responsible and participate actively in their own healthcare.

Commissioners thanked Mr. Bednarek for his work on getting a dialysis center located in the community and for playing a key role in the economic development of Transylvania County. Commissioners thanked him and TRH for their contributions to the community and for the services they provide.

#### REGISTER OF DEEDS ANNUAL REPORT

Register of Deeds Cindy Ownbey provided an overview of her department and the work that has been going on in her office over the last year. The Register of Deeds Office keeps all the vital records for the County as well as all real estate transaction records. The Register of Deeds is an elected office with an election term of four years. Ms. Ownbey is the chair of District 1 of the North Carolina Association of Registers of Deeds which comprises the 17 most western counties in the State. She also serves as a member of the Strategic Long Term Planning, Executive, Legislative, and Education Committees within the Association.

Some of the services provided by the Register of Deeds Office are:

- Verify compliance of legal instruments with statutory registration requirements
- Examine instruments and prepare public indexes in compliance with regulatory and statutory requirements
- Prepare permanent public records of instruments by converting submissions into electronic form
- Review marriage applications for compliance with statutory requirements and admission of oaths to applicants
- Record, maintain and issue copies of all vital records
- Administer notary oaths and maintain official record of notary commissions
- Record, maintain, and dispose of public records in compliance with regulatory and statutory requirements

Staff members are appointed by the Register and are considered public officials. Ms. Ownbey reported that her office is self-supporting in that revenues always surpass operating expenses.

Ms. Ownbey reported on activities from the previous year as follows:

- Launched the State Vital Records Program – new system allows Register of Deeds Office to print birth records from any county in North Carolina
- Implemented Debit/Credit Card capabilities

- Began Preservation and Restoration of the older records in the Register of Deeds Office through the help of outside professional services
- Implemented Redaction Module for Software – provides protection for citizens and their personal information such as social security numbers, drivers license numbers, and any other account numbers
- Implemented GT/GT (Grantor/Grantee) Scan Module – indexing links to actual documents
- Prepared for changes to North Carolina Indexing Standards which took effect July 1, 2012 – new indexing standards changed other office operations
- Relocated Offices from the Courthouse to the newly renovated old Sheriff's Office Building – many County staff, including employees' family members, helped with the move which has been very positive

The goals for the Register of Deeds Office for the next year are to:

- Continue to provide standard services and excellent customer service
- Continue to assist each individual with his/her needs
- Continue back-indexing of Vital Records and Real Estate Records

Ms. Ownbey noted that the new location is more operationally efficient. The Register of Deeds Office is designed to be two divisions: real estate and vital records. The new location is set up to be more customer-friendly.

Ms. Ownbey reported an increase in transactions. August was one of the busiest months in quite awhile. She noted there is no fee to report satisfaction documents which is the second largest document recorded; although the same amount of work goes into the recording process. An increase in the number of documents being recorded does not necessarily translate into higher revenues.

Commissioners thanked Ms. Ownbey and her staff for the services they provide and the job they do for the County.

## **APPOINTMENTS**

### BREVARD BOARD OF ADJUSTMENT & APPEAL

The County appoints three members (two voting members and one alternate) to the City of Brevard's Board of Adjustment and Appeal. The County's members must live in the extra-territorial jurisdiction. The terms of Rick Lasater (voting member) and Jeanne Haigis-Pedler (alternate) expire at the end of September. Mr. Lasater has served more than two consecutive terms as there have been no applications for these positions in a while. He requested that his term limits be waived once more and that he be allowed to serve another term. He currently serves as chairman of this board. Ms. Pedler is eligible and willing to serve another term. Through a recent advertisement, the Clerk received one additional application.

In the past Commissioners have waived Mr. Lasater's term limits, mainly because there have been no other applications on file. However, being the Brevard Board of Adjustment and Appeal is a quasi-judicial board; there is some question about how many times a member's term limits can be waived. Staff has posed this question to the School of Government but as of the close of business today, there was no response. Because they have not had a chance to review and advise on this issue, it is their recommendation that Commissioners consider tabling the item. The Manager offered Commissioners three options: 1) postpone the appointments until staff receives more information from the School of Government, 2) waive the term limits of Mr. Lasater and reappoint him to another term and reappoint Ms.

Haigis-Pedler as the alternate, or 3) appoint the current alternate as the voting member, replacing Mr. Lasater, and appoint the new applicant as the new alternate.

**Commissioner Chappell moved to reappoint Jeanne Haigis-Pedler and make her a voting member and appoint Judy Mathews as the alternate. The motion was seconded by Commissioner Phillips.** Commissioner Hogsed opposed removing Mr. Lasater at this time because he serves as the chairman which is advantageous for the County. He expects Mr. Lasater would continue to serve as chairman if he were allowed to continue serving on this board. Commissioner Phillips said if Commissioners are not going to recognize new applicants, there is no point for staff to advertise for these appointments. He also commented that being a chairman of a particular board does not give that person a certain right to the appointment. He believes Commissioners should limit the number of times a member's term limits are waived, especially if there are new applications on file. He said the new applicant is very qualified and Commissioners should encourage participation from all citizens. Chairman Hawkins stated that Mr. Lasater has been a dedicated member of this board and cares a lot about this role, particularly as chairman. While he agreed with Commissioner Hogsed's comments, he agreed with Commissioner Phillips that if the Board instructs staff to advertise for positions and receives an interest from the public, it is important that Commissioners recognize that. He noted that Mr. Lasater has the opportunity to serve again in the future. **The motion passed by a vote of 3 to 1, with Commissioner Hogsed voting against.**

## NEW BUSINESS

### REVISION TO PERSONNEL POLICY-INCLEMENT WEATHER

Personnel Board Chair and Library Director Anna Yount reported that in the past new employees or employees who did not have or had not earned sufficient leave had to take a day off without pay when offices were closed due to inclement weather. The proposed change will allow an employee without insufficient leave to be advanced leave when the offices are closed for inclement weather. If the employee separates from service with the County and has a negative balance in leave, the employee will reimburse the County for the full amount remaining. The proposed policy is in line with other organizations such as Transylvania Vocational Services and Transylvania Regional Hospital.

**Commissioner Phillips moved to approve the change in the Inclement Weather Policy as recommended by the Personnel Board. The motion was seconded by Commissioner Chappell and unanimously approved.**

For the benefit of the public, Human Resources Director Sheila Cozart explained how employees earn sick and vacation leave.

### REAUTHORIZATION OF SECURE RURAL SCHOOLS & COMMUNITY SELF-DETERMINATION ACT OF 2000

The Emergency Economic Stabilization Act of 2008 (better known as the "Bailout Bill"), included reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 and provided payment options for Secure Rural Schools (SRS) funds for four years. It allowed counties to elect to continue to receive a share of the State's 25% seven year rolling average payment or to receive a share of the State payment. Counties that chose the latter method and expected to receive more than \$100,000 were then required to commit to allocating 15-20% of these funds for Title II and/or Title III projects designed to enhance the health and safety of national forests. In November 2008, the Board of Commissioners passed Resolution 46-08, electing to receive a share of the State payment and designating 15% of the funds for Title III projects for fire suppression, rescue operations, and other emergency services conducted on federal lands. These selections were valid for fiscal years 2009 through 2012. At the end of this period, the disbursement of the SRS funds was slated to revert to the traditional 25% amount. However, on July 6, 2012 the Secure Rural Schools and Community Self-Determination Act of

2000 was reauthorized for one year as part of Public Law 112-141, extending the option for counties to receive a share of the State payment and allocate a portion of it for specific purposes.

To comply with the requirements of P.L. 112-141, Transylvania County must:

1. Elect to receive a share of the Secure Rural Schools Act State payment or a share of the State's 25% payment (an election to receive payment),
2. Elect to allocate the payment among authorized uses (an election to allocate payment), and
3. Submit the elections to the North Carolina Office of State Controller no later than Monday, September 24, 2012, to be compliance with other counties' elections and transmitted to the USDA by Friday, September 28, 2012.

The projected State payment for Transylvania County for federal fiscal year 2012 (County fiscal year 2013) is \$106,830. The estimated County share of the State's 25% payment based on the average for the most recent seven years is \$26,792. Since the projected State payment is greater than \$100,000, if the County elects to receive payment this way, the County must allocate between 15% and 20% of the funds to Title II and/or Title III projects.

In addition staff has just learned the County must announce its intentions on how to use the Title III funds (\$67,555.16) prior to September 30, 2012. Staff met with Operations Director David McNeill and he proposes to use the funds for emergency services performed in the National Forest. Per the guidelines, the following are acceptable reimbursements:

1. Salary and wages of emergency response personnel deployed during an emergency response,
2. Replacement of equipment, material and supplies expended, damaged or destroyed during an emergency response,
3. Repair of equipment damaged during an emergency response, and
4. Maintenance of vehicles, equipment, and facilities during an emergency response.

Per the guidelines staff would advertise the County's intent on how to use the funds in the local newspaper and provide for a 45-day public comment period.

The financial impact would be an estimated loss of \$80,038 in SRS funds if the County elects to receive a share of the State's 25% payment instead of a share of the SRS State payment. The SRS revenue budgeted for FY 2013 is \$63,500.

Commissioner Chappell inquired about whether or not there was a time frame on when the monies can be spent. The Manager said staff is seeking answers to this and other questions. Any Title III funds not expended must be returned to the federal government. Commissioner Chappell asked staff to explore other ways the monies can be spent as well. The Manager said staff is exploring this also and noted that the guidelines for spending these funds are strict. The remainder of the monies helps fund the School System.

**Commissioner Chappell moved to (1) approve election to receive payment of a share of the SRS State payment and election to allocate 15% for Title III projects, (2) approve the County's intent to use the Title III funds for reimbursements for search and rescue and emergency services provided in the National Forest. These include: salary and wages of emergency response personnel deployed during an emergency response, replacement of equipment, material and supplies expended, damaged or destroyed during an emergency response, repair of equipment damaged during an emergency response, and maintenance of vehicles, equipment, and facilities during an emergency response, 3) authorize the publishing of this intent in the local newspaper and hold a 45-day public comment period, and 4) explore other areas where the monies can be spent. The motion was seconded by Commissioner Phillips and unanimously approved.**

### NCACC LEGISLATIVE GOALS

Each year the NC Association of County Commissioners requests that counties submit to them legislative goals that should be considered for the upcoming legislative session. The deadline for the submission of goals is September 17, 2012. Commissioners discussed and offered the following goals for submission:

1. Rural Infrastructure Development – designate annual funding to a rural infrastructure pool to assist rural counties in analysis of rural infrastructure needs and actual expansion and development of rural infrastructure. **Chairman Hawkins moved to submit the goal entitled Rural Infrastructure Development to the NC Association of County Commissioners for consideration. The motion was seconded by Commissioner Chappell and unanimously approved.**
2. Transparency in Reclassification of Waterways – this goal was submitted previously and Commissioner Chappell requested to resubmit it; it calls for property owners to be notified at the beginning of the reclassification process. **Commissioner Chappell moved to resubmit the goal for Transparency in Reclassification of Waterways. The motion was seconded by Commissioner Hogsed and unanimously approved.**
3. Restructure State Budget Approval Process – Commissioner Hogsed stated that the budget process is backwards and that the State should be required to approve its budget before counties and local school systems because so much of these budgets depend on decisions made by the State Legislature. **Commissioner Hogsed moved to submit the goal entitled Restructure State Budget Approval Process, seconded by Commissioner Phillips and unanimously approved.**
4. Change Lottery Fund Allocation – Commissioner Hogsed stated that Transylvania County does not get its fair share of lottery funds and requested that consideration be given to allocating 100% of lottery funds to counties based on a per student basis. **Commissioner Hogsed moved to approve a goal to Change the Lottery Fund Allocation, seconded by Commissioner Phillips and unanimously approved.**
5. True Extra-Territorial Jurisdiction Reform – **Commissioner Chappell moved to submit a goal for True Extra-Territorial Jurisdiction Reform, seconded by Commissioner Hogsed and unanimously approved.**

The goals must be submitted along with a cover letter. The Clerk will prepare the letter for Chairman Hawkins' signature.

### RESOLUTION DECLARING WEEK OF SEPTEMBER 17-23, 2012 AS CONSTITUTION WEEK

September 17, 2012 begins the national celebration of Constitution Week and a weeklong commemoration of America's most important document. A resolution petitioning Congress to set aside September 17-23 annually to be dedicated to the observance of Constitution Week (submitted by the Daughters of the American Revolution) was signed into Public Law #915 on August 12, 1956 by President Dwight D. Eisenhower.

**Commissioner Phillips moved to Approve Resolution 42-12 Declaring the Week of September 17-23, 2012 as Constitution Week. The motion was seconded by Commissioner Chappell.**

Commissioner Phillips informed the public that if they wish to learn more about the Constitution, there is a 10-week online course offered by Hillsdale College that is very informative and educational. **The motion was unanimously approved.**

(Resolution 42-12 Declaring the Week of September 17-23, 2012 as Constitution Week is hereby incorporated by reference and made a part of these minutes.)

### MANAGER'S REPORT

The Manager reported the following:

1. Grading is almost complete at the new animal shelter. The NC Department of Transportation has worked on improving the ditch in front of the property and widened the shoulder of the road.
2. The Chamber Economic Visioning Group received 10 responses from the Request for Proposals for the Economic Visioning process. The list has been narrowed down to four. Interviews have been scheduled for September 21. Staff will bring back a recommendation to the Board after the interview process.
3. Sealed minutes were reviewed with the attorney and there are none to be unsealed at this time.
4. Work continues on drawings for the renovation of the Courthouse. Staff intends to bring forth a proposal to Commissioners in October.

### PUBLIC COMMENT

Tim Petit: Mr. Petit updated Commissioners on the progress of the Community Park in Rosman which is being used tremendously almost daily. He said everyone that uses it is thankful to the County.

David Morrow: Mr. Morrow reminded everyone that tomorrow is the eleventh anniversary of the terrorist attack on the United States and he asked everyone to remember those who died on that day and also those that work tirelessly to keep this country safe today.

### COMMISSIONERS' COMMENTS

Commissioner Chappell announced there is a congressional candidates' forum on Wednesday, September 12 at 7:30 p.m. at the Porter Center at Brevard College.

Chairman Hawkins said some members of the audience pointed out there is a conflict with the Commissioners' joint meeting with the Planning Board scheduled for Tuesday, September 25. Former UN Ambassador John Bolton will be speaking at Brevard College that evening and many have expressed an interest in attending that event. Staff will explore other potential dates and locations for the joint meeting.

### ADJOURNMENT

There being no further business to come before the Board, **Commissioner Chappell moved to adjourn the meeting, seconded by Commissioner Phillips and unanimously approved.**

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board