

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
November 12, 2019 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Tuesday, November 12, 2019 at 4:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC. County offices were closed on Monday, November 11 for the Veterans Day holiday.

Commissioners present were Will Cathey, Jason Chappell, Vice-Chairman David Guice, Chairman Mike Hawkins and Page Lemel. Also present were County Manager Jaime Laughter and County Attorney Misti Bass. Clerk to the Board Trisha Hogan was attending the 2019 Annual City and County Clerks Academy in Durham and thus absent from the meeting.

Media: *The Transylvania Times* – Derek McKissock

There were approximately 85 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding declared a quorum was present and called the meeting to order at 4:05 p.m.

WELCOME

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

PUBLIC COMMENT

The comments made by the public represent the individual speaker's opinion or point of view. No attempt was made to vet their statements for accuracy or modify them based on facts.

Jim Fatland: Mr. Fatland is the City Manager for the City of Brevard. He addressed the Board of Commissioners to provide an update on downtown parking. Mr. Fatland reported that last Wednesday Brevard City Council approved an idea to proceed with paid parking in downtown Brevard. The City plans to charge for parking in the lot across from City Hall and the lot behind the Co-Ed Theater. In addition, they intend to add parking meters to charge for street side parking. The City's goal is to establish a parking fund to pay for the design and construction of a future parking garage in the downtown area, a project in which the City and County may partner. Mr. Fatland stated the City intends to proceed with this plan and will keep the County informed as they move forward.

Dan Courtine: Mr. Courtine addressed the Board of Commissioners about the Jameson's Joy Partnership item on the agenda. Mr. Courtine's son, Jameson, passed away suddenly and unexpectedly in February of this year. One of Jameson's friends started a grassroots effort to perform acts of kindness in his memory. Mr. and Mrs. Courtine came to realize the impact this effort had on people, as well as Jameson's legacy. On the Board's agenda is an opportunity to use Jameson's legacy to enhance Transylvania County. Mr. Courtine stated that the Jameson's Joy Foundation has embarked upon several goals to improve the lives of others. Mr. Courtine asked the Board to assist the Foundation with meeting its first goal to partner with the County to build a Jameson's Joy Memorial Ninja Park. Use of a fitness obstacle course has been proven to improve strength, balance, agility and overall fitness for adults. Mr. Courtine stated the

community supports this effort to bring the fitness obstacle course to Transylvania County Parks and Recreation and through several fundraising efforts has brought in over \$80,000. He asked the Board to support the proposal that will be presented by the Parks and Recreation Director this evening.

Bethany Rundell: Ms. Rundell addressed the Board in reference to the agenda item for Transylvania County to partner with the Jameson's Joy Foundation to establish the Jameson's Joy Memorial Ninja Park. As a Foundation Board Member, small business owner, concerned citizen and parent, she is convinced the park will serve the community well beyond the fitness opportunities. Ms. Rundell said she has been personally inspired by Jameson's story and his parents' kindness and service to the community in many ways. In the wake of Jameson's death, she watched the Courtines embrace the community and lay out a lasting and positive legacy for Jameson. Ms. Rundell stated the donations that continue to pour into the Foundation speak volumes about the positive impact the Courtines have had on Transylvania County. She urged the Board to honor Jameson's legacy by supporting the Jameson's Joy Memorial Ninja Park which will be a tangible reminder to the community to stay focused on kindness and positive activism. She thanked the Board for their consideration.

Kristin Gentry: Ms. Gentry spoke about the County's tobacco policy which is an item on the agenda for consideration. On behalf of the CARE Coalition and as a member of the Employee Wellness Committee, she thanked the Board for considering a proposal to make County campuses smoke free. The CARE Coalition is dedicated to preventing substance abuse, including tobacco, among all citizens, especially youth. Years of prevention work across the nation have shown that limiting access and availability is considered best practice in reducing the adverse health effects of tobacco use. Ms. Gentry stated that by instituting a tobacco free policy, it makes smoking and tobacco use less convenient and people use it less, thus mediating the health risks even if those same people do not quit altogether. Ms. Gentry stated policies such as these make it easier for people to make healthier choices. If the default decision is more often the healthy decision, over time the needle begins to move in a positive direction at a population/county/community level. Ms. Gentry stated during the CARE Coalition's work, she has heard concerns from parents about tobacco use in public parks. While it may seem trivial, it normalizes tobacco use in children and may begin to connect a particular sport, activity or occupation to using tobacco. If the social norm and easy choice is to not use tobacco, the community will use it less and will be healthier for it. She thanked Commissioners for their consideration and their commitment to the County's health and well-being.

Cindy Trowbridge: Ms. Trowbridge addressed the Board in reference to the agenda item for Transylvania County to partner with the Jameson's Joy Foundation to establish the Jameson's Joy Memorial Ninja Park. She said she did not know the Courtine family when they lost their son, but the community felt they needed to comfort them and assist them in their effort to support Jameson's legacy. She noted there is no adult fitness course in this area like the one being proposed. It is especially important for a course of this nature to help combat adult health crises and to create an opportunity for adults to be active. Ms. Trowbridge felt the proposal is positive for the community and will enrich parks and recreation. She asked the Board to support this effort and to focus on kindness while supporting good health.

Susan Sunflower: Ms. Sunflower addressed the Board to reintroduce a subject she brought up at a September meeting related to climate change. She had asked the Board to join other local governments to create a working group to review and mitigate or adapt laws and policies to support climate change. There are four areas on which she thought the Board should focus: 1) government [to enact laws and policies]; 2) businesses [for products and practices]; 3) communities; and 4) individuals. Ms. Sunflower felt the County could work many other areas, but mitigation and adaptation are new avenues which she encouraged the Board to focus on at the County level. She pointed out there is lack of government involvement to enact laws and policies. She wondered where the County stood on her proposal. She felt the County should lead the effort by forming a committee to include youth representation, adult input, and

government leadership for the purpose of reviewing laws and policies to determine the County's needs. Ms. Sunflower said she looks forward to receiving a response from the Board. She expects a response from the City of Brevard and Town of Rosman as well.

Danny Hein: Mr. Hein encouraged the Board to support the Transylvania County Bicycle Plan because without one the County forfeits any future provisions in funding by the NC Department of Transportation for bike infrastructure. The infrastructure would serve to benefit anyone who uses roads in this County. Mr. Hein stated that when the Parks and Recreation Commission met earlier this year to learn about the proposal to partner with the Jameson's Joy Foundation, he approached the opportunity in a pragmatic way. The public/private partnership saves taxpayer dollars and would serve the number one need in the Parks and Recreation Master Plan, that being adult fitness and wellness facilities. The fitness course proposal creates a unique facility on existing Parks and Recreation space and would become the third of its kind in the State. It can be utilized by all ages at any fitness level making it adaptable, flexible, and able to serve a large portion of the community. More importantly, when Jameson lost his life earlier this year, Mr. Hein said he would not have been able to predict that his stepson would lose his life in the line of duty as a police officer on July 4. For this reason, and as a representative of the Parks and Recreation Commission, he felt more compelled to support this effort. It will honor Jameson and create a template that the County can facilitate and use for other partnership ideas in the future.

Lisa Presnell: Ms. Presnell asked the Board to support the partnership with the Jameson's Joy Foundation to construct a Ninja Warrior Park. She also asked the Board to adopt the Transylvania County Bicycle Plan. She echoed all of the comments made already about the partnership with Jameson's Joy Foundation. Ms. Presnell felt it was imperative that the County support the Bicycle Plan because without it the County could not receive funding from the NC Department of Transportation. She believes it is necessary to improve the safety of roads and biking in this community. She urged the Board to approve the plan to qualify for funding sources and to spur positive changes in bike infrastructure.

Elizabeth Bahnson: Ms. Bahnson was very supportive of Jameson's Joy Foundation and their proposal. She also addressed the Board about the proposed Transylvania County Bicycle Plan. Ms. Bahnson is a Buncombe County native, but chose to move to Transylvania County 10 years ago. She said her son regularly rides his bike into town. There is a stretch of sidewalk on Probart Street that keeps him off the road, although there is one section in which there is no sidewalk. She said she is personally affected by this plan because it impacts children's safety. Ms. Bahnson encouraged the Board to adopt the Bicycle Plan and view it as a safety measure for everyone – bikers, walkers, and drivers.

Nancy DePippo: Ms. DePippo echoed all the comments in support of the Transylvania County Bicycle Plan.

Geraldine Dinkins: Ms. Dinkins is Council-Member-Elect to the Brevard City Council. She said she looks forward to working with the County in January. Today she addressed the Board as a resident and a mother and to ask for their support of the Transylvania County Bicycle Plan. She pointed out there is often a negative stereotype related to bicyclists; however, the bicycle community is very inclusive and ranges wide. She said through passage of a comprehensive plan, the County has the power to provide safe passageways along roads through alternative modes of transportation. As a mother of a child with a cognitive disability, she is unsure if her son will ever be able to drive a car; however, he is a great bike rider and travels to school on his bicycle. He will unlikely compete with vehicles for their share of the roadway, but if he is given safe, separate, dedicated space to move, he will have a better chance to become a productive member of this community. Ms. Dinkins believes that the approval of the Bicycle Plan will be positive for the community and encourage people to be more active. She urged the Board to adopt the Transylvania County Bicycle Plan.

AGENDA MODIFICATIONS

There were no agenda modifications from Commissioners or staff.

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

CONSENT AGENDA

Commissioner Lemel moved to approve the Consent Agenda, seconded by Commissioner Cathey and unanimously approved.

The following items were approved:

MINUTES

The Board of Commissioners met in special session on May 1, 2019 to receive a presentation from Kara Millonzi with the UNC School of Government on fire protection services. Following a regular meeting on September 9, 2019, the Board met in closed session in which the minutes were sealed. The Board approved the minutes as submitted.

VAYA HEALTH FISCAL MONITORING REPORT

Per NC General Statute 122C-117 (c), the quarterly Fiscal Monitoring Reports for the local management entities/managed care organizations must be presented to the Board of Commissioners. Vaya Health submitted its Fiscal Monitoring Report for the first quarter of the fiscal year.

Vaya Health reported current actual revenues as \$101,369,083 (102.28% of budget) and current actual expenditures as \$97,627,610 (98.51% of budget) through September 30, 2019. This equates to a current net income of \$2,106,658 for FY 2020.

Vaya Health reported the following fund balances:

- \$46,237,064 restricted for risk reserve
- \$20,937,384 restricted for statute, prepaids and investments in fixed assets
- \$10,771,644 unrestricted

They also reported \$45,834,877 in total operating cash net of risk reserves.

The Board acknowledged receipt of Vaya Health's first quarter Fiscal Monitoring Report.

PARKING LOT AGREEMENT/CONTRACT WITH FIRST BAPTIST CHURCH OF BREVARD

Transylvania County and First Baptist Church of Brevard entered into a contract for parking privileges on September 13, 1999. The contract expired in September of this year. County officials and representatives of First Baptist Church conferred to revise and update the contract.

Changes include:

- Removed \$10,000 fee paid by County
- Added language allowing First Baptist Church to place temporary signage and use County parking lots on designated dates and times (does not prevent staff or citizens from using lots during designated times)
- Changed term from 20 years to 10 years
- Eliminated early termination language related to payment of \$10,000

- Removed agreement to repair potholes in First Baptist Church lot by the County

The Board approved the revised Parking Lot Agreement/Contract with First Baptist Church of Brevard.

OLD BUSINESS

TRANSYLVANIA COUNTY BICYCLE PLAN

In the spring of 2019, Alta Planning presented the Draft Transylvania County Bicycle Plan to the Board of Commissioners. The draft plan included input from stakeholders, the public, and the NC Department of Transportation (NCDOT). The draft plan is supported by the Planning Board and Parks and Recreation Commission. During the presentation, Commissioners and staff expressed concern about the Maintenance section of the plan because it did not take into account rural road maintenance limitations. One, rural road cross-sections do not have curbs and gutters and would not be compatible for street sweepers to keep bike lanes clear. Secondly, counties in NC are legally restricted from using county funds on road maintenance, making some of the recommendations impossible to implement. These issues were not addressed in a way that made it clear about those functions and realities. The plan was resubmitted to NCDOT for modification. Upon consulting with their division that provides maintenance of transportation facilities, NCDOT recommended removing the Maintenance section from the plan entirely. The draft before the Board has been modified to remove the Maintenance section.

The Manager reported there is no financial impact associated with adoption of the plan. However, adoption of a plan opens up opportunities to receive grants and State funds, particularly as road projects move forward.

In order to move forward with the recommendation, the Manager directed Commissioners' attention to Chapter 3 of the plan. Chapter 3 explains the key recommendations. The four key recommendations are:

- Keep momentum on bicycle projects in development (included map associated with these projects)
- Strategically and proactively fund and build the priority network (map included in recommendations)
 - Advocacy role for County (except on greenway projects); Chapter 3 lays out responsibilities of the Board of Commissioners, Planning Board, Bicycle and Pedestrian Advisory Committee (role would be taken on by Transportation Advisory Committee), Parks and Recreation Commission, and Sheriff's Office; it is important to note that the County's main responsibility is advocacy because counties do not build or maintain roads
 - For roadway associated projects, having the plan will help with funding bike facilities along with roadway improvement projects with the ability to leverage NCDOT funding at those junctures
- Use the comprehensive network of recommendations to build other projects incrementally over time
- Implement new programs and policies that support and encourage bicycling

The Manager asked the Board for feedback and whether they are ready to adopt the plan. If the Board is not prepared to adopt the plan, she asked Commissioners to advise staff on appropriate changes that would move them toward adoption of the plan.

In response to Commissioner Chappell, the Manager stated she reached out to Vicki Eastland, RPO Coordinator with the Land of Sky Regional Council and learned there needs to be a level of detail to tie a project to a roadway. Specifically, if the Board does not adopt a map or a set of projects, it would be difficult to entertain the use of bike lanes with specific roadway improvement projects. She noted there

are greenway projects included in the recommendations which align with roadways; however, depending on the cross-section these projects could be tied to a roadway improvement or be completely separate bike-ped projects.

Commissioner Lemel commented that prioritizing projects can be daunting at times. She preferred to say that this plan represents opportunities that have been best identified to represent the County's current state. The Manager agreed, noting that during the SPOT prioritization process conducted by NCDOT through the RPO, Commissioners are asked to prioritize specific projects at that time. Typically, Commissioners should consider projects that are most likely to move through the process and earn the number of points required to receive funding. Therefore, the Board should not articulate its priorities in the proposed plan because it commits them to the list of priorities during the SPOT process. The Manager emphasized the County's most important role is advocacy. Having a plan in place states there is a need in the community and that the Board desires to see bicycle and pedestrian facilities, along with roadways, for the purpose of having multi-modal transportation throughout the community.

Commissioner Guice expressed concern about some of the projects listed (page 30 - referencing priority spines not being ranked against each other and will be developed as resources and funding allow). He was also concerned about using the term priority as it relates to some of these projects because the Board has taken a position in the past with regard to the railroad connection and at this point he was unsure if the Board's position has changed. Commissioner Chappell added that Commissioner Guice's concerns are related to some of the questions he posed to staff earlier today, specifically regarding priority projects presented in the plan because the Board has not prioritized one project over another. He understood there should be a determination about specific connection points (i.e., NC 280, US 64) and the importance of having a plan in place; however, there are other projects outside of roadway projects in the proposal that he is concerned about.

Chairman Hawkins summarized that Commissioners would be comfortable changing some of the terminology in that section of the plan.

Commissioner Lemel inquired if the Board is restricted to the word "priority" and whether it has any bearing on eligibility or the substance of the plan. The Manager replied no.

Commissioner Guice said he spent a lot of time reviewing the plan and commended those who had a part in developing it. He was not interested in slowing down the process because he understood the need, but he wanted to be mindful of some specific areas that require further response from other entities. He expressed concern about being locked into a list of priorities, but overall he supported the plan.

Commissioners discussed ways to change terminology such that they could be supportive of adopting the plan. Their goal was to be flexible and not be locked into a list of priorities as currently written with the ability to address projects as they come forth for consideration.

The Manager suggested adoption of the plan with a stance regarding prioritization in the form of a statement on the cover page, such as:

The Transylvania County Board of Commissioners supports bike and pedestrian facilities for health and safety as articulated in this plan. The plan, as written, does not necessarily reflect the Board's priorities for such facilities, as they are all important. In the future, the Board of Commissioners will continue to perform due diligence when funding and advocacy opportunities present.

Commissioner Lemel moved to adopt the plan with that language (as written above) **included in it, seconded by Commissioner Guice.** Commissioner Chappell appreciated the Board and staff having an

understanding of his concerns. He agreed that this plan is a need for the County because it will impact future funding opportunities. He noted that the MPO and RPO, of which he is a member, have been advocating for bike lanes along with roadway projects due to safety issues. This plan reiterates the position of the Board that safety is a priority and leveraging State and grant dollars is necessary. Chairman Hawkins clarified that the MPO and RPO are the transportation committees for the four-county region that prioritize projects for submission to the NCDOT for funding, including Transylvania County. He reemphasized a statement made during public comment and a recent MPO/RPO meeting that Transylvania County is the only county in the four-county region that does not have a bicycle plan. He sees the plan as a statement of an overall priority which is recognition of the importance of the issue to citizens. He stated that the plan is written in a common sense way that is workable, logical and opportunity-based. Chairman Hawkins said he looks forward to future implementation of many of the projects. **The motion carried unanimously.**

SMOKE-FREE GOVERNMENT BUILDINGS AND GROUNDS

On October 28, 2019 Beth Hyatt presented on behalf of the Employee Wellness Everywhere (EWE) Committee requesting consideration of several options to restrict tobacco usage on County property. Those options included four different potential elements:

- Smoke free buildings to be stated in the ordinance (Board approved on October 28 which is reflected in the County's ordinance)
- 50' smoke free perimeter around County buildings
- Smoke free parks and/or grounds
- Tobacco free parks and/or grounds

Commissioners directed staff to modify the ordinance to state all County buildings are to be smoke free and requested additional information. Only a portion of the research has been completed as of this date. Staff completed the request to gather samples of ordinances from other counties to determine how others are enforcing their ordinances. Counties enforce ordinances in a variety of ways. Staff also collected email correspondence between the Parks and Recreation Director and the Chair of Parks and Recreation Commission to help refine their recommendation for smoke/tobacco free parks, as well as information from Housekeeping regarding the same recommendation. Staff has not yet marked a 50' perimeter around County buildings for review by the Board or performed a survey of employees in each building as requested by the Board at the previous meeting.

The Manager understands Commissioners may want to have further discussion about the request at this meeting and determine whether further action is warranted or if staff should continue due diligence as advised at the previous meeting.

Chairman Hawkins stated he asked for this item to be included on the agenda with the understanding that some of the requested tasks have yet to be completed. He said he got a sense from other members of the Board that they would be ready to reconsider the proposal at this meeting. He called for comments and questions from Commissioners.

As she has given more thought to this issue knowing the evolution society has experienced in the last 35 years around tobacco and smoking, **Commissioner Lemel moved to go tobacco free with all County buildings and properties, including parks, seconded by Commissioner Guice.** Commissioner Cathey expressed that while he does not like smoking, as a local attorney who frequents the Courthouse, he felt there is a need for a designated smoking area on those grounds; otherwise, a tobacco free campus will result in the arrest of many people. Many citizens that frequent the Courthouse are smokers and he was concerned about how this ordinance would be enforced. He preferred the Board establish a 50' perimeter.

He referred to Transylvania County as becoming a “nanny state” and would therefore vote against the motion as stated. Commissioner Guice stated he has likewise worked with a population all of his adult life that tended to make poor choices and decisions, but he is convinced that decisions by those in leadership have a great impact on others, especially children. He has also spent many years at the County’s parks and recreation fields as a coach and parent and has observed the ways in which tobacco and smoking have evolved over time. Additionally, due to incidents that have happened outside some of the County’s facilities (Courthouse, Library, Parks and Recreation), he felt it was necessary to erect signage indicating campuses are to be tobacco free. He felt that the majority of people would honor the new ordinance. Commissioner Guice noted that County buildings have been tobacco free for many years which has been respected by the public and users. He thought this action was right for the community and that people will make adjustments just as they have done in other areas. He commented that children pay attention to adults and their behavior and it is important to be mindful of that fact. He felt strongly about his position and encouraged fellow Commissioners to send the right signal to others.

Commissioner Chappell expressed several concerns. One, Commissioners directed staff to gather specific information so they can make an informed decision, yet did not give staff time to complete the tasks. He pointed out that smoking has impacted his life in a personal way, although he has never been a smoker. He wants to ensure Commissioners’ decisions do not impact citizens in a negative way because there are individuals who need to smoke, and this decision will hinder their ability to watch their child or grandchild participate in parks and recreation activities. He was supportive of tobacco free buildings and establishing a perimeter around facilities, but he was also concerned about becoming a “nanny state” and would therefore be voting against the motion as stated. Commissioner Cathey added that in his experience there has been no one smoking around children in the park at the Courthouse. Commissioner Guice responded that the park at the Courthouse was not meant to be a designated smoking area.

Commissioner Chappell stated his concerns about enforcement of the ordinance. If passed, he hopes Commissioners establish a thoughtful policy about enforcement, i.e. whether smoking is allowed in personal vehicles on County property, party responsible for enforcement, etc. Commissioner Guice stated part of the information provided by the Manager addressed statutory authority. NC General Statute § 130A-498 gives local governments the authority to make these decisions. The Manager provided ordinance examples from other counties. Commissioner Guice stated he preferred Jackson County’s enforcement procedure. He found it interesting all the examples were from rural communities like Transylvania County. He encouraged Commissioners to proceed with the possibility of seeking guidance from the other counties on they have managed issues. **Commissioner Lemel moved to amend the motion to include vaping and being vaping free on County properties and parks, seconded by Commissioner Guice. The amendment passed by a vote of 3 to 2, with Commissioners Cathey and Chappell voting against.** Commissioner Lemel asked Commissioners to consider this action as a statement of community health and well-being. She thought it was particularly telling that this comes on the heels of the bicycle plan which is very much related to health and wellness. Chairman Hawkins said from his recent conversations with Commissioner Chappell that he can see both sides of this issue, but to him this action is not radical. Businesses, sports arenas, and other establishments across the nation have taken similar action. While there are some issues with the practicality of enforcement, he felt those issues could be revisited if necessary. For the time being, this action is in line with good public health policy which he supports. Commissioner Guice questioned the enforcement of tobacco free campuses noting the other counties in which staff provided sample ordinances included enforcement as part of their ordinance. The Manager stated that the Board already has the ability to enforce in the sense that they have delegated Administration to enforce the ordinance. She suggested the Board deliver guidance to staff on how to engage someone regarding a complaint that is unable to be resolved onsite. Commissioner Guice pointed out the Jackson County ordinance lays out enforcement as verbal communication with a follow up in writing when there is a potential issue and with a fine or some other action if the incident occurs again. He wanted to know if the County’s ordinance will read in this manner of if staff planned to develop an enforcement policy. The Manager informed that by default enforcement would first be a verbal warning followed up by a written warning. If Commissioners desire further enforcement such as a fine she would

draft a policy for their consideration. Commissioner Guice believes citizens will recognize the signage and follow the ordinance; therefore, he does not think further enforcement escalation was warranted. The Manager plans to issue guidance to staff on enforcement and will include the Board on her correspondence so they are informed. **The main motion carried by a vote of 3 to 2, with Commissioners Cathey and Chappell voting against.**

MEDICAID TRANSPORTATION IMPACTS – EMS SERVICES

Finance Director Jonathan Griffin presented this item as a follow up from a previous meeting.

Background on “Medicaid Transformation”

In 2015, the General Assembly passed legislation to begin an overhaul of the State’s delivery system for health coverage services provided to low income and disabled individuals under the umbrella of the federal Medicaid Program, moving away from the traditional “fee for service” model where health services providers simply provide services and receive a payment for those services. Under this new model, called managed care, prepaid health plan companies (PHP) will receive an allotment of Medicaid funding for each Medicaid participant who enrolls in their plan, and they will pay those out to health services providers. The model will be similar to how private health insurance operates.

How does this impact Emergency Medical Services?

On average 31% of trips each year by the EMS department are provided to Medicaid recipients (either Medicaid-only recipients or combination Medicare/Medicaid participants). Approximately 14% of those trips are for Medicaid-only participants. Based on this data, staff assumes that a large segment of EMS billing will be impacted. Medicaid billing should become time consuming as a result.

Prior Finance Directors have balanced the increasing workload of additional EMS billing by transitioning duties away from this position to other positions in the Finance Office. Mr. Griffin stated it is unsustainable to continue leaving a single individual responsible for this activity over the longer term. Staff has been evaluating how to handle the workload in the future. Mr. Griffin included a spreadsheet in the Board’s agenda packet that estimated future cash flows for EMS agencies because there will be a new reconciliation system implemented year-round for ambulance trips as opposed to only annually – referred to as Quarterly Directed Payments.

Benchmarking (Similarly Sized Financials)

The following counties contract for EMS Billing services:

- Bladen
- Scotland
- Currituck
- Robeson
- Johnston
- Nash
- Cherokee
- Alexander

The following counties conduct EMS Billing services in-house:

- Vance
- Caldwell
- Dare

One observation about Dare and Caldwell is that they have a separate EMS Billing function from their financial functions. While the Finance Department receives the revenues, it is the EMS Department staff conducting the billing portion.

Key Points

- Transylvania County retains certain liabilities for billing errors and omissions, no matter who bills. The County is considered the service provider.
- It will take at least a year to accurately assess the impact of a change under any scenario.

Option A - Contract With EMS Management And Consultants

Under this option, the County would contract with EMS|MC to provide billing services (data entry, sending out bills, follow up calls). Duties within the Finance Office and Human Resources would be redistributed to provide adequate coverage and internal controls elsewhere and position the existing EMS Billing Finance Specialist to provide oversight of the new contract.

EMS|MC's base fee is 6% of total revenues collected. To counter the base fee amount, staff would be able to reduce certain fixed costs the County pays for billing software, postage and auditing fees. The budget impact of this option would be at least \$69,800.

Advantages	Disadvantages
Scales collection costs to collections	Payments sent to Finance Office requiring accounting work related to cash management
Reduces fixed costs on software, postage and auditing	Phone calls from call center
Contractor to link directly into EMS Dept patient software	Contractor will send only three statements per case file which is standard industry practice
Faster claims processing and data entry	Finance Office required to follow up with EMS staff for incorrect forms, delinquent payers, and contractor in event of outstanding issues
Data more readily available for performance management purposes in EMS	County still manages and maintain contracts with external agencies
	At least two years to properly evaluate performance

Option B - Add One Additional Staff Person in the Finance Office

In this option, the County would hire an additional staff person in the Finance Office. Their assigned duties would be at least 50% EMS Billing. The budget impact of this option would be \$52,000 (salary, fringes & benefits).

Advantages	Disadvantages
Keeps communications local	Small number of trained personnel working on EMS Billing
Maintains direct control and oversight of billing operations; changing procedures is more easily accomplished if necessary	Fixed costs regardless of improvements in revenues; less long-term flexibility in the event of a decision to outsource later
Fixed costs rather than variable costs	Limited physical space for additional staff
More flexibility in distribution of internal duties related to EMS Billing and Finance	

For either option, if revenues improve between 5%-8%, the options pay for themselves.

Recommendations

- If the Board is interested in a more long-term decision that aligns EMS billing procedures with the standard practice for counties and seems best positioned to increase long term revenues, Option A (contracting) is recommended.
- If the Board is interested in a decision that keeps the County in control of the process from and does not overhaul existing procedures, Option B (additional staff) is recommended.
- If the Board would like to make no decisions, Finance can absorb the additional workload of Medicaid changes. However, the return may be diminished without making any changes whatsoever.

This concluded Mr. Griffin's presentation.

The Manager added there is a risk in doing nothing. In keeping EMS Billing services in-house, there is also a risk when only two employees are trained to do a particular job. Medicaid will continue to change and become more complex for all parties involved. If staff are not properly trained and operating at peak performance, the County should not anticipate expected levels of reimbursement. A company that is driven by profit with the ability to remain up-to-date on procedures and laws and hire additional staff as needed would be better equipped to handle unforeseen issues. From a management perspective, she wanted the Board to understand what the tradeoff looks like from a risk tolerance standpoint.

Commissioner Cathey inquired about the general terms of a contract with EMS Management and Consultants. The Manager replied that the proposal would be for an initial contract term of three years.

Commissioner Guice stated he is undecided about the best course of action to take. The advantages and disadvantages of both options are important to him. He pointed out that under either option; the County remains the responsible party because the County is essentially the service provider. He did not like the fact that citizens would be receiving calls from a call center under Option B. He was also concerned

about the standard practice of the contracting agency sending out only three statements and the collection falling back on the Finance Department if not paid. Commissioner Guice understood that staffing is limited and that it is not practical to cross-train everyone in the Finance Department on EMS Billing, although he agreed with the Manager's assessment that more changes should be expected in the future with Medicaid. He pointed out that one of the advantages to contracting is that outside agencies can absorb the changes much more rapidly. Whatever the decision, he hopes staff will evaluate the department closely because changes will continue to occur that may impact operations.

Commissioner Cathey stated he did not wish to bind the Board with a long-term contract. He considered the three-year proposal a long-term contract.

Commissioner Lemel inquired about an option for a two-year contract. Mr. Griffin stated he did not believe the contractor would be agreeable to anything less than three years; however, he was willing to inquire further with them. The contractor prefers a slightly longer term because it allows them to appropriately position resources and learn about the County's processes.

Commissioner Cathey felt that the Finance Department has very competent staff to handle these functions.

Commissioner Guice also expressed concern about the 6% fee. To him, the fee seemed high.

Commissioner Guice asked if the County is required to go through a formal bid process to select a firm to perform these services. Mr. Griffin stated that because the contract would be for services there are no competitive bidding requirements. He added that some counties decided to bid this service competitively and the responses they received ranged between 5% and 7% with regard to the fee. He gauged the 6% fee as being a normal fee for this service.

Commissioner Lemel asked if a three-year contract would contain a clause for ending the contract earlier than the term. Mr. Griffin replied yes, noting it would require a 90-day notice by either party. Commissioner Lemel felt this information was helpful and she was confident that Mr. Griffin would come back before the Board to request a release from the contract if there was a problem.

Commissioner Lemel stated that Medicaid Transformation will result in a monumental shift in the structure of Medicaid over the next five years and is expected to continue changing. She felt that the advantage of contracting is that a private agency would be more apt to adjust more quickly as opposed to the internal processes required of the County to address changes. In theory, the local management entities/managed care organizations will be nonexistent in five years and only private providers will exist. She thought in the short term it would be wise to outsource these services knowing the magnitude of changes that will continue to occur.

Commissioner Chappell agreed with Commissioner Lemel's comments. The termination clause gives local government assurances if the arrangement is no longer working. To him, it says a lot that roughly half the State has either contracted these services or is moving in that direction, especially with how Medicaid is expected to change in the future. A contracting agency has the resources to absorb the changes which alleviates concerns for the County, although the County is still the responsible party. The fact that an agency could respond much more quickly to change and would not have to deal with the turnover and retraining issues, as well as the difficulty with limited space in the Finance Department for adding staff, are other advantages to contracting.

Commissioner Chappell moved to contract with EMS Management and Consultants to provide EMS Billing services, seconded by Commissioner Lemel. Commissioner Cathey reiterated he did not

prefer a three-year contract. Commissioner Lemel reminded him of the 90-day termination clause included in the contract. With the termination clause included, Commissioner Guice stated he is supportive of contracting out for EMS Billing services. With that said, he continued to express the same concerns he did earlier. **The motion was approved unanimously.**

NEW BUSINESS

RESOLUTION MODIFYING THE MEMBERSHIP OF THE TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY

On October 28, 2019 the Board of Commissioners considered a request from the Transylvania County Tourism Development Authority (TCTDA) to increase its membership by two. The Board authorized the addition of two members-at-large with no restrictions on membership requirements, other than terms. Staff updated and modernized the resolution creating the TCTDA to reflect the addition of the two members and current fiscal practices.

At the request of TCTDA Executive Director Clark Lovelace, the terms for the new members are being proposed as follows:

For the two members-at-large added to the membership effective January 1, 2020, one of the members shall be appointed for an initial term of one year and one shall be appointed for three years, and thereafter their terms shall be for three years.

With the exception of the members representing the Board of Commissioners, Brevard City Council and the Brevard/Transylvania Chamber of Commerce, staggering these initial terms would result in two members’ terms being up for appointment every year beginning in December 2020.

Accommodations Owner	Term expires 12/31/2020
Member-at-Large	Term expires 12/31/2020
Interested Individual	Term expires 12/31/2021
Accommodations Owner	Term expires 12/31/2021
Interested Individual	Term expires 12/31/2022
Member-at-Large	Term expires 12/31/2022

Commissioner Cathey moved to approve Resolution # 33-2019 Modifying the Membership of the Transylvania County Tourism Development Authority, seconded by Commissioner Guice and unanimously approved.

**RESOLUTION # 33 - 2019
RESOLUTION MODIFYING THE MEMBERSHIP OF THE
TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY**

WHEREAS, Senate Bill 948 passed by the 1985 North Carolina General Assembly authorized the Transylvania County Board of Commissioners to levy a room and occupancy tax pursuant to a resolution and ordinance passed on August 25, 1986; and

WHEREAS, the Board of Commissioners implemented the Transylvania County Tourism Development Authority to implement the resolution and ordinance via adoption of *Resolution 053-86 Resolution Creating the Transylvania County Tourism Development Authority* on September 22, 1986 ; and

WHEREAS, on February 25, 1991, the Board of Commissioners amended *Resolution 053-086* to modify the membership of the Transylvania County Tourism Development Authority; and

WHEREAS, on October 28, 2019, the Board of Commissioners modified the membership of the Transylvania County Tourism Development Authority to include two additional at-large members for a total makeup of nine members;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Transylvania County as follows:

1. **AUTHORITY.** Pursuant to Senate Bill 948 of the 1985 North Carolina General Assembly and Resolution 053-86 Resolution of the Transylvania County Board of Commissioners Creating the Transylvania County Tourism Development Authority.
2. **MEMBERS.** That the Transylvania County Tourism Development Authority shall be composed of the following nine members:
 - a. A County Commissioner appointed by the Board of Commissioners.
 - b. A member of the Brevard City Council appointed by the City Council.
 - c. Two owners or operators of hotels, motels or other taxable tourist accommodations, to be appointed by the Board of Commissioners.
 - d. Two individuals interested in the tourism business who have demonstrated an interest in tourism development and do not own or operate a hotel, motel or other taxable tourist accommodation, to be appointed by the Board of Commissioners.
 - e. One individual who shall be appointed by the Brevard/Transylvania County Chamber of Commerce.
 - f. Two members-at-large to be appointed by the Board of Commissioners. (*effective January 1, 2020.*)
3. **TERMS.** The County Commissioner and Councilmember appointed by their respective boards shall serve at the pleasure of the respective boards. The individual appointed by the Chamber of Commerce shall be appointed annually. The remaining members shall be appointed for three-year terms, except that for the two members-at-large added to the membership effective January 1, 2020, one of the members shall be appointed for an initial term of one year and one shall be appointed for three years, and thereafter their terms shall be for three years.
4. **DUTIES.** The Transylvania County Tourism Development Authority is a public authority under the Local Government Budget and Fiscal Control Act and may expend funds distributed to it to promote travel and tourism in Transylvania County; that further, said Authority is authorized to contract with other agencies, private and public, in the furtherance of these duties. Each year the Transylvania County Tourism Development Authority shall make an annual report to the Board of Commissioners.
5. **MEETINGS.** The Transylvania County Tourism Development Authority shall hold such meetings as are necessary to conduct its business. All meetings shall be open to the public regardless of whether any formal action is taken. All meetings shall be conducted in accordance with North Carolina Open Meetings Law.
6. **EXPENSES.** The members of the Transylvania County Tourism Development Authority shall serve without pay. Members and officials of the Transylvania County Tourism Development Authority may be reimbursed for expenses only in accordance with Transylvania County's adopted Personnel Policy.

7. **ADMINISTRATION.** Funds derived from the occupancy tax levy shall be placed in a separate Tourism Development Fund. Expenditures made from this fund shall be in accordance with the Local Government Budget and Fiscal Control Act and administered by the Transylvania County Finance Office. The Tourism Development Authority shall conduct its financial planning and budget adoption in accordance with the Local Government Budget and Fiscal Control Act and shall adopt a budget prior to July 1st for the following fiscal year.
8. **FINANCE OFFICER.** The Transylvania County Board of Commissioners appoints the Finance Officer of Transylvania County as the Finance Officer of the Transylvania County Tourism Development Authority. The Finance Officer of the Transylvania County Tourism Development Authority is responsible for the financial oversight, internal controls and ensuring that the Tourism Development Authority's financial affairs are conducted in compliance with generally accepted accounting principles, state law and regulations imposed by the Local Government Commission.
9. **EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

Adopted this the 12th day of November, 2019.

TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS

By: S: //Mike Hawkins, Chair

PARTNERSHIP WITH JAMESON'S JOY FOUNDATION

Parks and Recreation Director Jared Mull presented this item to the Board. He reported that the County has an opportunity to meet the top program need identified in the 2016 Parks and Recreation Master Plan - Adult Fitness & Wellness. This need can be met through the purchase and installation of an adult fitness course that tests participants' quickness, strength, agility, and endurance through several circuit training obstacles. The Parks and Recreation Commission has expressed its unanimous support for the project. They find it appealing for several reasons:

1. The County owns space at the Recreation Center for the fitness course. It is near the softball fields, connected to the greenway, and has restroom accessibility. The current playground was built in the mid-1990's and is not being utilized to its full potential.
2. The County has been awarded a \$25,000 Fitness Grant from Burke Playground Equipment that expires November 2019 if not accepted.
3. A partner organization, Jameson's Joy Foundation has agreed to fund 35% of the project which amounts to \$75,225.32.
4. Parks and Recreation is almost completely out of options for offering fitness-type classes in the gymnasium. In the summer months, the gym is utilized 93% of the time. In other months, the total usage is around 75%. This course allows the public to exercise at their convenience and does not remove any existing program or rental at the Recreation Center.

In February 2019, Jameson Courtine, a nine year old student at Brevard Elementary passed away unexpectedly. The Courtine family and other members of the community started the Jameson's Joy Foundation. One of the goals of this foundation is to build an American Ninja Warrior type of playground, as this was Jameson's favorite show.

While there is not a specific Ninja Warrior playground available, there are different fitness/obstacle course playgrounds that incorporate some of the elements from the popular show. The type of

playground that the Courtine family and the Parks and Recreation Department chose is geared toward adults, but can be used by children. It has varying levels of difficulty depending on one's age and ability. This course was chosen because it incorporates several of the ninja warrior obstacles, directly meets the department's top program need, and uses synthetic turf which, from a maintenance perspective, is easy to upkeep and has a long lifespan. There are zero courses similar to this one west of Charlotte, so this is a unique opportunity for Transylvania County and Western North Carolina.

The Parks and Recreation Commission unanimously approved partnering with the Jameson's Joy Foundation on this project at the old playground site at the Recreation Center. Mr. Mull proposed the following breakdown in cost responsibilities:

- Total cost-\$214,929.51
 - Includes \$25,000 fitness grant from Burke Playground Equipment
 - Includes all surfacing, equipment, installation, etc.
 - County Maintenance would remove the existing fencing and playground
 - Includes custom sign and benches
- County to pay 65% of the total cost
 - Equates to \$139,704.19
 - Request funds to be drawn down from capital reserve fund for Parks and Recreation, leaving balance of \$910,866
- Jameson's Joy Foundation to pay 35% of the total cost
 - Equates to \$75,225.32
 - Funds already raised by Foundation

Mr. Mull concluded by saying the Parks and Recreation Commission understood the financial impact to the capital reserve, but they felt it was a rare opportunity to meet top program needs (adult fitness and outdoor adventure/skills). It also provides a "wow" factor since one of the department's main strengths is their recreation programming. Additionally, it provides a 24/7 fitness opportunity for the public and a unique opportunity to partner with the community.

Commissioner Lemel asked if there would be classes available on how to use the course. Mr. Mull said he has already reached out to local athletic trainers to gauge their interest. In addition, there is a downloadable app available to assist with using each station.

Commissioner Chappell asked for clarification that the use by trainers would not create a need for reserving the facility. Mr. Mull confirmed there is no intent for the facility to be reserved. He envisioned it only for the ribbon-cutting ceremony.

Commissioner Chappell asked the Manager to brief the Board and public on the liability issues. The Manager reported that she reached out to the NC Association of County Commissioners (NCACC) to inquire about the County's liability coverage with regard to a facility of this nature. She shared the project and sent them additional information so they could see it firsthand. The NCACC confirmed they would insure the facility, but they directed the County to include signage for safety purposes.

Commissioner Guice pointed out the current playground has some drainage issues. He asked if there would be a need to build up the site to deter standing water that may shorten the life of the turf. The Manager replied that staff has discussed in the past completing a master plan for this park specifically because of the storm water control issues. Commissioner Guice said he wanted to make sure the investment is made in the best location. The Manager stated that staff will take the storm water issues into account in terms of site preparation which she noted would likely increase the project budget.

In addition to the app, Commissioner Guice thought it might be a good idea to install a kiosk onsite that would offer some explanation on how to use the equipment.

The Manager reported that staff is currently working with an engineer to help the County with storm water control at Silvermont. She suggested adding this park to the scope of work to help move it along.

Commissioner Lemel moved to allocate \$139,704.19 from the Parks and Recreation Capital Reserve Fund to partner with the Jameson's Joy Foundation for funding of this new fitness course and include appropriate engineering studies to remediate standing water, seconded by Commissioner Guice. Chairman Hawkins stressed the capacity of human beings to turn a tragic situation into something positive. He thanked all those involved in what he is sure was a very difficult and emotional process. This park will be a tangible reminder. **The motion was unanimously approved.**

ANIMAL RESCUE ORGANIZATION AGREEMENT AND APPLICATION REVISION

Assistant County Manager David McNeill presented this item. Transylvania County Animal Services provides and promotes exceptional and humane animal care and works with approximately 22 rescue organizations to assist in that effort. To ensure and clearly demonstrate these expectations, the department requires animal rescue organizations that wish to partner with them to complete an application and sign a rescue organization agreement. The agreement provides the framework for a relationship intended to enhance animal care and promote adoption of animals in the Animal Shelter while ensuring compliance with regulatory requirements.

Staff continually reviews policies and procedures to ensure compliance with local, State and federal regulatory guidelines. When necessary, policies and procedures are updated to meet organizational and compliance needs. Staff has updated and revised its Animal Rescue Application and Agreement to include suggestions for written standards from the North Carolina Department of Agriculture and Consumer Services Animal Welfare Section – Veterinary Division. Staff obtained this guidance from Dr. Patricia Norris, Director of the Animal Welfare Section.

If approved, staff will work with each of its current rescue organizations to complete an updated application and agreement. Animal rescue organizations wishing to partner with Transylvania County Animal Services will be required to complete an application, including providing the required support materials, and to sign the rescue organization agreement.

Commissioner Lemel was appreciative of the thoroughness of the application and agreement and that the State had input to ensure the County meets the regulatory requirements.

Commissioner Cathey moved to approve the revised Animal Rescue Organization Agreement and Application as submitted, seconded by Commissioner Lemel and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- Capital Workshop for Commissioners proposed for early December
 - Met with Tryon Advisors to update the financial model
 - Commissioners should inform the Manager of their availability
- Department Head retreat at Gorges State Park
 - Key take away was a need for better communication with citizens, particularly on services provided and how to access them
- Workforce Housing RFQ closed with one response

- Staff is working on determining what the County can do regarding the incentives requested and will contact the respondent to discuss
- Working with Hendersonville Housing on potential partnership opportunities for both affordable and workforce housing needs
- School Construction Contracts
 - Soil testing was scheduled November 8-11 with report to follow that will be included in the contract appendix (timing on report unknown)
 - Attorneys are in contact for the purpose of discussing any other changes
- Kudos to all who helped plan the Veteran's Day Ceremony especially Clerk Trisha Hogan, IT Programmer Mike McKinney and Emmett Casciato, Curator of the Veteran's History Museum of the Carolinas; and to Commissioner Chappell who read the proclamation adopted by Commissioners
- GetSet Transylvania will launch toolkit #3 next Monday; topic of the month is about managing emotions; another toolkit release will occur in December, along with four additional in 2020
- County and Brevard College closed on the property on Gallimore Road last Friday

Commissioner Lemel pointed out, as part of the GetSet toolkit rollout next week, there are 478 families enrolled in the program, representing 710 children in the community. This represents approximately 42% of the 0-5 population. She recognized that GetSet is not the complete answer to early childhood issues, but it is a substantial move in the right direction. To Mr. Courtine's point earlier, it is about encouraging families to come together in a positive way and building skills that will allow children to grow up smarter, kinder and more resilient. She was very grateful for the community support.

PUBLIC COMMENT

David Morrow: Mr. Morrow is a member of the Transylvania County Board of Elections. He reported that the vendor is currently onsite performing a demonstration of new voting equipment the department will be using next year. The demonstration will go on through 7:00 p.m. this evening and is open to the public.

Dan Courtine: Mr. Courtine thanked the Board of Commissioners for their support of the Jameson's Joy Partnership. He also thanked Mr. Mull and the members of the Parks and Recreation Commission for their efforts to move this partnership forward. He said while nothing can take away the pain of losing a child, this project serves as a tangible reminder of Jameson's legacy.

COMMISSIONERS' COMMENTS

Commissioner Lemel reported she has attended four of the community input meetings on district fire tax. The next two meetings will be rescheduled because they conflict with Board of Commissioners' meetings. Staff will publish public notice. Commissioner Lemel stated the meetings provide a great opportunity for people to join others in their respective communities and meet their firefighters, as well as to understand the issue on restructuring options on the table for funding fire departments. She encouraged the public to attend.

Commissioner Chappell expressed great appreciation to local law enforcement and first responders in the community. They are suffering from the loss of one of their own. He encouraged the public to express to the law enforcement and first responders how much they are appreciated for the sacrifices they make to serve others.

Commissioner Cathey commented about the recent loss of a law enforcement officer in our community and how much he will miss his friend of 35 years.

Commissioner Guice was appreciative of the words shared by Commissioners Cathey and Chappell about the loss of a dear friend and co-worker in law enforcement. He encouraged everyone to use this tragedy to make an effort to make a positive difference in the lives of others.

ADJOURNMENT

There being no further business to come before the Board, **Commissioner Lemel moved to adjourn the meeting at 6:10 p.m., seconded by Commissioner Cathey and unanimously approved.**

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan, Clerk to the Board