

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF STOKES )  
 )

OFFICE OF THE COMMISSIONERS  
STOKES COUNTY GOVERNMENT  
DANBURY, NORTH CAROLINA  
AUGUST 23, 2010

The Board of Commissioners of the County of Stokes, State of North Carolina, met for regular session in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administration Building) located in Danbury, North Carolina on Monday, August 23, 2010 at 6:00 pm with the following members present:

Chairman Jimmy Walker  
Vice Chairman Ernest Lankford  
Commissioner J. Leon Inman  
Commissioner Ron Carroll  
Commissioner Stanley Smith

County Personnel in Attendance:  
County Manager K. Bryan Steen  
Clerk to the Board Darlene Bullins  
Finance Director Julia Edwards  
Health Director Josh Swift  
Public Works Director Mark Delehant

Chairman Jimmy Walker called the meeting to order.

Vice Chairman Lankford delivered the invocation.

#### **GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE**

Chairman Walker opened the meeting by inviting the citizens in attendance to join the Board with the Pledge of Allegiance.

#### **GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA**

Chairman Walker entertained a motion to approve or amend the August 23, 2010 Agenda.

Commissioner Carroll stated that he did not see the necessity of discussing Item F – Proposed Health Ordinance Pertaining to H1766 since it was also on the Action Agenda – Item D. Commissioner Carroll added that the substance in each item is identical.

Chairman Walker explained that Item D was approved by the Board at the August 9<sup>th</sup> meeting to be placed on today's Action Agenda and Item F was added at the request of Commissioner Carroll.

The Board discussed eliminating Item F.

Vice Chairman Lankford moved to approve the August 23, 2010 Agenda with the elimination of Item F – Discussion Agenda. Commissioner Carroll seconded and the motion carried unanimously.

**PUBLIC COMMENTS**

The following spoke during public comments:

**Todd Fulmer**

1065 Devil Den Road  
Danbury, NC 27016

Re: **Dan River Art Market/Building**

Mr. Fulmer noted the following regarding the former Dan River Art Market Building:

- Very concerned about the future of the former Dan River Art Market Building
- Facility was a very big benefit to local artists in Stokes County and the Arts Council
- Former facility housed many items from local artists
- Very important place in Stokes County
- Would like to see it opened again
- Facility allowed visitors to see what Stokes County is all about
- Good things could happen if the County would take a look at re-opening the facility
- Request the Board consider re-opening the Art Market as soon as possible

Mr. Fulmer thanked the Board for the opportunity to speak.

**Gary Gibson**

1937 Oscar Frye Road  
Pinnacle, NC 27043

Re: **Elderly Exemption for Helen Gibson**

Mr. Gibson spoke regarding the Elderly Exemption for his mother, Helen Gibson. Mr. Gibson presented each Board member with a copy of a recent letter that had been emailed to the Board. Mr. Gibson reiterated the importance of the elderly exemption for his mother who is 82 years old and lives on a very limited income. Mr. Gibson expressed his appreciation to the Board and requested any consideration that could be given in this matter.

**CONSENT AGENDA**

Chairman Walker entertained a motion to approve or amend the following items on the

Consent Agenda:

**Minutes**

- Minutes of August 9, 2010

**Economic Development - Budget Amendment #7**

Finance Director Julia Edwards submitted Budget Amendment #7.

To amend the General Fund, the expenditures are to be changed as follows:

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
<b>Economic Development</b>				
100.4920.180	Professional Services	\$18,000.00	\$8,000.00	\$26,000.00
100.4920.184	Professional Services- Contract	\$00.00	\$15,000.00	\$15,000.00
100.4920.340	Printing	\$10,000.00	\$6,000.00	\$16,000.00
100.4920.370	Advertising/Marketing	<u>\$27,500.00</u>	<u>\$15,000.00</u>	<u>\$42,500.00</u>
	<b>Totals</b>	<b>\$55,500.00</b>	<b>\$44,000.00</b>	<b>\$99,500.00</b>
<b>Capital Reserve Fund</b>				
201.4920.027	Economic Development	\$171,928.00	\$(44,000.00)	\$127,928.00
201.9810.000	Transfer To General Fund	<u>\$50,600.00</u>	<u>\$44,000.00</u>	<u>\$94,600.00</u>
	<b>Totals</b>	<b>\$222,528.00</b>	<b>\$00.00</b>	<b>\$222,528.00</b>

This budget amendment is justified as follows:

To transfer from Capital Reserve Fund to General Fund for the tourism initiative, website, and printing of maps for Economic Development. These funds were transferred to Capital Reserve Fiscal Year 2009-10 for these projects that were not completed.

This will result in a net increase of \$44,000.00 in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

<b>Account Number</b>	<b>Account Description</b>	<b>Current Budgeted Amount</b>	<b>Increase (Decrease)</b>	<b>As Amended</b>
100.3982.960	Transfer from Capital Reserve Fund	\$50,600.00	\$44,000.00	\$94,600.00
<b>Totals</b>		<b>\$50,600.00</b>	<b>\$44,000.00</b>	<b>\$94,600.00</b>

**Forsyth Technical Community College - Budget Amendment #8**

Finance Director Julia Edwards submitted Budget Amendment #8.

To amend the General Fund, the expenditures are to be changed as follows:

<b>Account Number</b>	<b>Account Description</b>	<b>Current Budgeted Amount</b>	<b>Increase (Decrease)</b>	<b>As Amended</b>
<b>Forsyth Tech.</b>				
100.5920.440	Misc. Contractual Services	\$00.00	\$6,400.00	\$6,400.00
<b>Contingency</b>				
100.9910.601	Community College- Unanticipated Expenses	\$35,000.00	\$6,400.00	\$41,400.00
<b>Totals</b>		<b>\$35,000.00</b>	<b>\$12,800.00</b>	<b>\$47,800.00</b>

This budget amendment is justified as follows:

To transfer funds from Contingency for security at the Early College Facility.

This will result in a net increase of \$00.00 in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

Commissioner Inman requested additional information regarding Budget Amendment #8.

County Manager Bryan Steen noted the following information was received from Director of Operations Ann Watts, Forsyth Tech. in Stokes County:

- Forsyth Tech. is currently in the process of moving many of the evening classes to the new facility, which will begin to consolidate class locations and maximize the use of the new facility
- In an effort to provide a safe environment for the evening students, Forsyth Tech. is requesting that security be provided for about 3.5 hours on Monday through Thursday evenings during the fall and spring semesters
- Approximate cost of the coverage for this time frame would be \$6,400 per year
- Appreciate the Board's consideration

Manager Steen noted that the funding can be expensed from the Community College Contingency Fund which was included in this year's budget for unanticipated expenses.

**Social Services - Budget Amendment #9**

Finance Director Julia Edwards submitted Budget Amendment #9.

To amend the General Fund, the expenditures are to be changed as follows:

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
<b>Social Services</b>				
100.5310.030	Salaries/Wages - Contract	\$33,692.00	\$25,000.00	\$58,692.00
100.5310.090	Social Security	\$115,420.00	\$1,550.00	\$116,970.00
100.5310.091	Medicare	<u>\$26,993.00</u>	<u>\$362.00</u>	<u>\$27,355.00</u>
<b>Totals</b>		<b>\$176,105.00</b>	<b>\$26,912.00</b>	<b>\$203,017.00</b>

This budget amendment is justified as follows:

The DSS Board approved to add as many SA-In Home slots as the State would approve in order to reduce the number on the waiting list. Twenty-five slots were approved by the State and funds for the worker to manage this caseload will be paid out of at-Risk Case Management revenues and CAP-DA revenues.

This will result in a net decrease of \$26,912.00 in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
100.3540.421	Medicaid Claims – Case Management	\$00.00	\$16,000.00	\$16,000.00
100.3540.420	DSS Medicaid Claim – CAP/DA	<u>\$00.00</u>	<u>\$10,912.00</u>	<u>\$10,912.00</u>
<b>Totals</b>		<b>\$00.00</b>	<b>\$26,912.00</b>	<b>\$26,912.00</b>

Commissioner Carroll confirmed with Finance Director Julia Edwards the following correction to Budget Amendment #9:

- This will result in a net **decrease** of \$26,912.**50** should read as follows: This will result in a net **increase** of \$26,912.**00**

### Health Department – Budget Amendment #10

Finance Director Julia Edwards submitted Budget Amendment #10

To amend the General Fund, the expenditures are to be changed as follows:

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
<b>Health Department</b>				
100.5100.000	Salaries and Wages	\$981,154.00	\$1,500.00	\$982,654.00
100.5100.261	Office Supplies	\$17,143.00	\$2,500.00	\$19,643.00
100.5100.311	Employee Training	\$11,760.00	\$1,000.00	\$12,760.00
100.5100.511	Non-Capital – Equipment	<u>\$4,200.00</u>	<u>\$3,000.00</u>	<u>\$7,200.00</u>
<b>Totals</b>		<b>\$1,014,257.00</b>	<b>\$8,000.00</b>	<b>\$1,022,257.00</b>

This budget amendment is justified as follows:

The Health Department's WIC Program was awarded "One Time Funds" to promote the New WIC Food Package which involves educating WIC participants on new food recipes and how to shop for WIC foods. Food models and educational materials along with food demonstrations will be purchased.

This will result in a net increase of \$8,000.00 in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

<b>Account Number</b>	<b>Account Description</b>	<b>Current Budgeted Amount</b>	<b>Increase (Decrease)</b>	<b>As Amended</b>
100.3301.226	Breastfeeding Promotional Grant	<u>\$23,500.00</u>	<u>\$8,000.00</u>	<u>\$31,500.00</u>
	<b>Totals</b>	<b>\$23,500.00</b>	<b>\$8,000.00</b>	<b>\$31,500.00</b>

**Health Department – Budget Amendment #11**

Finance Director Julia Edwards submitted Budget Amendment #11.

To amend the General Fund, the expenditures are to be changed as follows:

<b>Account Number</b>	<b>Account Description</b>	<b>Current Budgeted Amount</b>	<b>Increase (Decrease)</b>	<b>As Amended</b>
	<b>Health Department</b>			
100.5100.261	Office Supplies	\$19,643.00	\$8,926.00	\$28,569.00
100.5100.310	Travel	<u>\$3,000.00</u>	<u>\$574.00</u>	<u>\$3,574.00</u>
	<b>Totals</b>	<b>\$22,643.00</b>	<b>\$9,500.00</b>	<b>\$32,143.00</b>

This budget amendment is justified as follows:

The Health Department’s Health Promotion Program was awarded grant funding for the “Eat Smart Move More Program” which involves educating county school teachers on how to motivate students and encourage a healthier lifestyle. With these funds, the Health Department will purchase educational materials needed for training teachers, incentives for classrooms that win competitions, refreshments for training classes and mileage reimbursements for community partners and staff who provide training to teachers.

This will result in a net increase of \$9,500.00 in the expenditures and other financial use to the County’s annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

<b>Account Number</b>	<b>Account Description</b>	<b>Current Budgeted Amount</b>	<b>Increase (Decrease)</b>	<b>As Amended</b>
100.3301.237	Health Promotion	<u>\$20,110.00</u>	<u>\$9,500.00</u>	<u>\$29,610.00</u>
	<b>Totals</b>	<b>\$20,110.00</b>	<b>\$9,500.00</b>	<b>\$29,610.00</b>

**Sheriff’s Department – Budget Amendment #12**

Finance Director Julia Edwards submitted Budget Amendment #12.

To amend the General Fund, the expenditures are to be changed as follows:

<b>Account Number</b>	<b>Account Description</b>	<b>Current Budgeted Amount</b>	<b>Increase (Decrease)</b>	<b>As Amended</b>
	<b>Sheriff’s Department</b>			
100.4310.510	Equipment	<u>\$200,000.00</u>	<u>\$13,130.00</u>	<u>\$213,130.00</u>
	<b>Totals</b>	<b>\$200,000.00</b>	<b>\$13,130.00</b>	<b>\$213,130.00</b>

This budget amendment is justified as follows:

To appropriate Federal Fines and Forfeiture Funds to purchase 25 laptop computers and 35 invertors. Special Note: Procedures for purchasing equipment and connecting to the County’s network are to be followed.

This will result in a net increase of \$13,130.00 in the expenditures and other financial use to the County’s annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

<b>Account Number</b>	<b>Account Description</b>	<b>Current Budgeted Amount</b>	<b>Increase (Decrease)</b>	<b>As Amended</b>
100.3301.411	Federal Fines & Forfeitures	<u>\$00.00</u>	<u>\$13,130.00</u>	<u>\$13,130.00</u>
	<b>Totals</b>	<b>\$00.00</b>	<b>\$13,130.00</b>	<b>\$13,130.00</b>

Vice Chairperson Lankford stated that he had confirmed with the Sheriff's Department that the computers would be used only for data input which will be controlled by the County's IT Department.

Manager Steen noted that Budget Amendment #12 includes special notation that county procedures for purchasing the equipment and connecting to the County's internet will be followed.

**Tax Administration Report – July 2010**

Tax Administrator Oakley presented the following Real and Personal Property Releases (July 2010) which are more than \$100 at the August 9<sup>th</sup> meeting with a request for approval at the August 23<sup>rd</sup> meeting:

**Releases (Real and Personal Property)**  
**More than \$100–July 2010–Per NCGS 105-381 (b)**

<b>Name</b>	<b>Bill Number</b>	<b>Amount</b>
Brian Foster and	10A692301251565	\$232.90
Barbara Lakey	Incorrectly billed	
Ricky Sands	10A48555.04	<u>\$439.64</u>
	DWMH Double Listed	
	<b>Total Amount</b>	<b>\$672.54</b>

Tax Administrator Oakley presented the following Real and Personal Property Refunds (July 2010) which are more than \$100 at the August 9<sup>th</sup> meeting with a request for approval at the August 23<sup>rd</sup> meeting:

**Refunds (Real and Personal Property)**  
**More than \$100–July 2010–Per NCGS 105-381 (b)**

<b>Name</b>	<b>Bill Number</b>	<b>Amount</b>
Brian Foster	07A692301251565	\$176.74
Barbara Lakey	08A692301251565	\$176.74
	09A692301251565	<u>\$232.90</u>
	<b>Total Amount</b>	<b>\$586.38</b>

Tax Administrator Oakley presented the following Late Application for Elderly and Disabled Exemption for 2010 – Bob Hardie Mabe at the August 9<sup>th</sup> meeting with a request for approval at the August 23<sup>rd</sup> meeting.

<b>Name</b>	<b>Parcel Number</b>	<b>Assigned Tax Value</b>
Bob Hardie Mabe	6912-01-06-6108	\$20,651

Vice Chairman Lankford moved to approve the Consent Agenda as amended.

Commissioner Smith seconded and the motion carried unanimously.

## **GENERAL GOVERNMENT – GOVERNING BODY – INFORMATION AGENDA**

### **Update – Manager and Board of Commissioners**

Manager Bryan Steen noted the following:

- Thank you note was received by the Forsyth Tech. Early College Staff
- NC Department of Labor inspected Public Works on August 6<sup>th</sup> and the county recently received notification from NCDOL that there were no apparent violations
- Stokes County has been officially notified that the County has been selected to participate in the 21<sup>st</sup> Century Community Program, which is designed to foster growth in counties that are facing economic challenges and to assist counties in the development of programs/initiatives that will lead to economic growth

Chairman Walker expressed appreciation for a job well done to all those involved in the Early College Project which had a very limited time schedule.

## **GENERAL GOVERNMENT – GOVERNING BODY – DISCUSSION AGENDA**

### **YVEDDI – Fiscal Year 2011 Application for Rural Operating Assistance Program Funds**

Administrative Assistant Jeff Cockerham, YVEDDI presented the following information regarding the Application for Fiscal Year 2011 Rural Operating Assistance Transportation Program Funds:

- Presenting the information on behalf of Transportation Coordinator Charlie Walker, who was unable to attend the meeting
- Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the transportation of elderly and disabled citizens. Allows for individuals to reside for longer periods in their homes, thereby enhancing their quality of life. An elderly person is defined as one who reaches the age of 60 or more years. A disabled person is defined as one who has a physical or mental impairment that substantially limits one or more major life activities, an individual who has a record of such impairment, or an individual who is regarded as having such impairment. A \$1.00 donation is requested for each way to help extend the program, but YVEDDI doesn't refuse transportation based on their inability to contribute.
- Employment Transportation Assistance Program is intended to provide operating assistance for transitional Work First, Workforce Development Programs and general public employment transportation needs. Stokes County DSS administers the program.
- Rural General Public (RGP) Program funds are intended to provide transportation service to individuals who are not human service agency clients and live in non-urbanized areas.
- The period of performance for Rural Operating Assistance Program funds period is July 1, 2010 through June 30, 2011
- Program Funding:
  - EDTAP = \$48,808
  - Employment Transportation Assist. Program = \$9,539
  - RGP = \$44,768
  - Supplemental EDTAP = \$28,134
  - Supplemental Employment Transportation Assist. Program = \$11,964
  - Supplemental RGP = \$39,665
  - Total EDTAP = \$76,942
  - Total Employment Transportation Assistance Program = \$21,503
  - Total RGP = \$84,433
  - Total = \$182,878

- Application process requires a Public Hearing on the proposed Rural Operating Assistance Program which is scheduled (upon approval of the BOCC) for September 13<sup>th</sup>
- Program this year requires that each individual who receives transportation be given the opportunity if desired to complete a Voluntary Title VI Public Involvement form
- BOCC must approve the Certified Statement for Fiscal Year 2011

The Board discussed the application with Mr. Cockerham.

Mr. Cockerham requested the BOCC approve the Certified Statement for Fiscal Year 2011 at the September 13<sup>th</sup> meeting following the Public Hearing.

Commissioner Carroll noted the following correction in the Application:

- **Darlene Bullins**, Finance Officer should read: **Julia Edwards**, Finance Officer

Chairman Walker directed the Clerk to schedule a Public Hearing for September 13<sup>th</sup> and place the Certified Statement on the September 13<sup>th</sup> Action Agenda.

### **Danbury Water System Improvement Project - Update**

Public Works Director Mark Delehant noted the following update:

- New well is producing 22 gallons a minute following the recent 24-hour draw down
- New well will supplement the current water supply by 17,000 gallons per day
- New well recovers very quickly
- New well has very good quality water
- Land transfer will be completed within the next 3-4 weeks

### **Danbury Water System Improvement Project – Proposed Bids**

Public Works Director Mark Delehant presented the following information regarding the proposed bids for the Meter/Service Line Replacement for the Danbury Water System:

- Bid opening was held on Tuesday, August 17<sup>th</sup> at 2:00 pm
- David Poore, West Consultants, certified the following bids:
  - Shiloh Utilities, Inc. (Eden, NC) = \$100,502.00
  - Ramey, Inc. (Bethania, NC) = \$103,530.00
  - Steve Tate Plumbing, Inc. (Mount Airy, NC) = \$121,700.20
  - Thomas Stanley Grading/Hauling, Inc. (Stokesdale, NC) = \$157,550
- Meter and service line replacement will require a considerable amount of excavation, some re-paving, and is expected to take between 90-120 days to complete, weather permitting
- Recommend Shiloh Utilities, Inc. (bid \$100,502.00)
- David W. Poore, West Consultants also recommends Shiloh Utilities, Inc. for the contract contingent upon approval by USDA- Rural Development
- Received very favorable, positive comments from the Town Manager of Taylorsville regarding Shiloh Utilities who is currently working on a sewer project
- Request the item be moved to tonight's Action Agenda in order to proceed with the project before winter months

The Board discussed the project with Director Delehant and had no issues with the information provided.

Chairman Walker confirmed with Director Delehant that pressure reducing valves will be provided by the County, but will be the responsibility of the homeowner after the first year.



Chairman Walker, with full consensus of the Board, directed the Clerk to place the item on tonight's Action Agenda.

**Draft RFP for Stokes Reynolds Memorial Hospital, Inc. - Discussion**

County Manager presented the following draft RFP for Stokes Reynolds Memorial Hospital, Inc. for the Board's consideration: (Special Legal Counsel John Crill joined the discussion via telephone and Mr. David French, Consultant was in attendance for the meeting)  
[County Letterhead]

\_\_\_\_\_, 2010

**Re: Proposals for the Lease, Sale or Conveyance of Stokes-Reynolds Memorial Hospital**

Dear \_\_\_\_\_,

On \_\_\_\_\_, 2010, the Board of Commissioners (the "Board of Commissioners") of Stokes County, North Carolina (the "County") adopted a resolution (the "Resolution") declaring its intent to sell, lease, or convey Stokes-Reynolds Memorial Hospital (the "Hospital"). In accordance with the Resolution and the provisions of Part 1, Article 2, Chapter 131E of the NC General Statutes (the "Statute"), the Board of Commissioners is required to solicit proposals for the sale, lease or conveyance of the Hospital. The purpose of this letter is to invite your organization to submit a proposal. (copies of the Resolution and the Statute are enclosed for your reference.) The County is under no obligation or responsibility to accept any proposal and reserves the right to reject any and all proposals.

The Hospital is owned by the County and is operated by Stokes-Reynolds Memorial Hospital, Inc., a nonprofit corporation (the "Corporation"), pursuant to a lease agreement (the "Lease") between the County, as Lessor, and the Corporation, as Lessee. The Lease will terminate upon the closing of the sale of the Hospital assets to the Purchaser.

It is the intention of the County to sell the Hospital, but proposals for the lease of the Hospital real estate and the sale of the personal assets will be considered. The County will require, as a condition to the sale or lease of the Hospital, that the buyer or lessee (the "Purchaser") agree to replace the Hospital's inpatient hospital facility with a new inpatient hospital facility within a reasonable period of time.

In addition to the condition regarding the replacement of the inpatient facility, the following specific provisions listed in the Statute will be included in the lease, sale or conveyance document:

1. The Purchaser shall operate the Hospital, including the replacement inpatient facility, as a community general hospital open to the general public and free of discrimination based on race, creed, color, sex, or national origin.
2. The Purchaser shall continue to provide the same or similar clinical hospital services in medical-surgery, pediatrics, outpatient and emergency treatment, including emergency services for the indigent, that the Hospital provided prior to the lease or sale of the Hospital.
3. The Purchase shall ensure that indigent care is available to the population of the area served by the Hospital at levels related to need, as previously demonstrated and determined mutually by the County and the Purchaser.
4. The Purchaser shall not enact financial admission policies that have the effect of denying essential medical services or treatment solely because of a patient's immediate inability to pay for the services or treatment.
5. The Purchaser shall ensure that admission to and services of the Hospital are available to beneficiaries of governmental reimbursement programs without discrimination or preference because they are beneficiaries of such programs.

6. The Purchaser shall prepare an annual report to the County that demonstrates compliance with the requirements of the lease or sale documents.

The Purchaser shall agree that if it fails to substantially comply with the foregoing conditions, including without limitation, the replacement of the Hospital's inpatient facility with a new inpatient facility, or if it dissolves without a successor corporation to carry out the terms and conditions of the lease or sale documents, then all ownership or other rights in the Hospital, including the building, land and equipment associated with the Hospital, shall revert to the County; provided that any building, land or equipment associated with the Hospital that the Purchaser has constructed or acquired since the sale or lease may revert only upon payment to the Purchaser of a sum equal to the cost less depreciation of the building, land or equipment.

The County expects to select the Purchaser from its careful examination of the proposals and to thereafter enter into negotiations with the selected party relating to a definitive agreement or agreements. However, the County reserves the right to reject any or all proposals for reasons sufficient to the Board of Commissioners in its sole and absolute discretion.

The County will require the Purchaser to reimburse the County for its professional expenses in preparing this RFP and in connection with the sale or lease transaction, including without limitation, legal and consulting fees and expenses.

The County will require the Purchaser to provide professional liability coverage (i.e. "Tail Coverage") to protect the County against liability for claims arising prior to the purchase of the Hospital

### **Hospital Description**

Stokes-Reynolds Memorial Hospital (License #H0165) is a federally recognized Critical Access Hospital with two campus locations; Stokes-Reynolds Memorial Hospital in Danbury and Dr. J.R. Jones Medical Center in King. These are described as follows:

Stokes-Reynolds Memorial Hospital, Inc. ("SRMH")  
1570 NC Hwy 8 & 89 North  
P.O. Box 10  
Danbury, NC 27016

The SRMH campus in Danbury includes a full time Emergency Department with 9 treatment rooms and 53 licensed inpatient general acute care beds (25 of these beds are staffed) and 40 nursing facility beds that comprise the Stokes-Reynolds Skilled Nursing Facility. This hospital campus location provides diagnostic imaging services including fluoroscopy, echocardiography, vascular studies and ultrasound. Surgical capacity at this location includes two licensed operating rooms that serve both inpatients and ambulatory patients. Ancillary services include laboratory, physical therapy, occupational therapy, respiratory therapy and pulmonary rehabilitation, diabetes education and outpatient behavioral health. The Hospital also operates Stokes Medical Associates family practice and Stokes Medical Associates-Pediatrics which are located on the Danbury campus. The total gross square footage of the hospital facility in Danbury is 52,330.

Dr. J.R. Jones Medical Center  
402 West King Street  
P.O. Box 410  
King, NC 27021

Located in southwestern Stokes County, the Dr. J.R. Jones Medical Center is licensed as part of Stokes-Reynolds Memorial Hospital and includes ambulatory surgery, endoscopy and outpatient diagnostic services, including laboratory. Two ambulatory operating rooms are located in the facility. Dr. J.R. Jones Medical Center provides emergency services Monday through Friday from 8:00a.m to 12:00 Midnight and Weekends & holidays from 9:00a.m to 12:00 midnight. Imaging services include a CT scanner, a radiography and fluoroscopy room and computed radiography. The Dr. J.R. Jones Medical Center totals 12,378 square feet.

In addition to the above hospital facility locations, the hospital provides outpatient services in leased space at the Stokes Medical Center Park office building 167 Moore Road, King NC. Hospital-owned imaging equipment at this location includes ultrasound, radiography unit, bone density unit

and mammography. At this location, the hospital also provides physical therapy and occupational therapy services through a contract services agreement. The Hospital also operates the King Comprehensive Wound Center at this location. In addition, the Hospital partners with specialty physicians to provide Dermatology, Orthopedics, Podiatry and Urology services at J.R. Jones Medical Center.

**Financial Statements**

Copies of the Hospital’s audited financial statements for three (3) fiscal years ended **June 30, 2006, 2007 and 2008** are enclosed with this letter.

**Property, Facilities and Equipment**

The land, buildings and physical property owned by the hospital is described in the attached spread sheet entitled “Stokes-Reynolds Memorial Hospital, 2010-2011 Statement of Values.

**CON Applications**

According to hospital officials, there are no CON applications that are pending review or development.

**Service Area Demographics**

The majority of inpatients and long-term care patients originate from Stokes County, making it the primary services area for Stokes-Reynolds Memorial Hospital. Ambulatory surgery patients and endoscopy patients who obtain service at Dr. J.R. Jones Medical Center reflect a mix of patients with most originating from Stokes and Forsyth County.

The following table provides the total population data for Stokes and Forsyth Counties.

	2010	2015	% Growth
Stokes County	46,958	47,700	1.6%
Forsyth County	361,444	390,369	8.0%

North Carolina Office of State Budget and Management, July 2, 2010  
www.osbm.state.nc.us

A high percentage of Stokes County inpatients and ambulatory patients are served by Forsyth Memorial Hospital and North Carolina Baptist Hospital. While these facilities offer considerable depth of tertiary care in Winston-Salem, Stokes-Reynolds Hospital fulfills a vital role in providing access to Emergency Department, outpatient and inpatient care as well as nursing facility care to Stokes County residents within their home county.

**Proposals**

Your proposal should be in writing, signed by an authorized person, and received by the undersigned no later than 5:00 pm on \_\_\_\_\_, 2010. My mailing address is Post Office Box 20 Danbury, NC 27016 and my office is located in the Stokes County Administration Building, located at 1014 Main Street, Danbury, North Carolina 27016. Requests for additional information should be submitted to me. You are invited to visit the Hospital. Please call me to schedule your visit. My telephone number is (336) 593-2448 and my fax number is (336) 593-2346.

Please provide us with six (6) copies of your proposal and an electronic copy, which may be in the form of a compact disk or an attachment to an e-mail. The electronic copy should be in PDF format.

All proposals will be evaluated as submitted; provided that the County reserves the right to request more information. Although your proposal will be a public document, it will be reviewed by the Commissioners in closed session, and will be made available to the public when the County gives notice of a public hearing on the proposals.

**Information Regarding the Proposing Company**

Please provide the following information in your proposal.

1. The full name of your company (the “Company”), its state of its organization, the date of its organization, its mailing and street addresses, telephone number and the name of the person to contact. Please provide the same information for each subsidiary and affiliate of the Company which is engaged in the operation of a hospital (each, a “Subsidiary” and collectively, the “Subsidiaries”).

2. The name of the directors and principal officers of the Company and each Subsidiary, and a brief summary of the experience of each person in the healthcare industry.

3. Copies of the audited financial statements of the Company and each Subsidiary (including all footnotes and auditor’s letters) for the last three fiscal years and unaudited interim statement for the current period. Please provide us with a copy of the attorneys’ letters regarding pending and threatened claims and investigations for the Company and each Subsidiary for each of the last three fiscal years.

4. A list of all hospitals owned and/or operated by the Company and its Subsidiaries, including the mailing addresses, telephone numbers and persons to contact for each hospital. Please indicate which of these are Critical Access Hospitals.

5. A statement as to whether or not the Company, any Subsidiary of the Company or any shareholder, officer or director of the Company or any Subsidiary has ever been suspended or excluded from or denied participation in any federal health care program, including without limitation Medicare, Medicaid and TRICARE. Please indicate whether there are any threatened or ongoing investigations relating to Medicare, Medicaid or TRICARE.

6. A statement as to whether or not the licensure or accreditation of the Company or any Subsidiary, or any hospital owned or operated by the Company or any Subsidiary of the Company, has ever been suspended, revoked or denied.

7. A listing of the insurance coverage maintained by the Company and each Subsidiary, including without limitation, professional liability, general liability and officers and directors coverage. Please include the name of each insurance company and provide the coverage limits and deductibles under each policy.

8. A copy of the indigent care policies in effect at hospitals owned or operated by the Company and any Subsidiary of the Company.

9. A copy of the most recent community benefit report or reports of the Company and its Subsidiaries.

10. A complete list of services provided by the hospitals owned and operated by Company and its Subsidiaries.

### **Matters to be Discussed in the Proposals**

Please discuss the following matters in your proposal:

1. How you propose to structure the transaction with the Hospital, including the amount you are willing to pay for the purchase or lease of the Hospital real estate and the purchase of the non-real estate Hospital assets.
2. Describe your vision for providing health care services in the Hospital’s service area and strategy the Company plans to employ to implement the changes necessary to achieve the vision
3. How you propose to grow the Hospital’s inpatient and outpatient volumes.
4. Describe your plan to reduce patient outmigration.
5. Give examples of successful growth strategies that the Company has utilized.
6. Do you plan to make changes to the medical staff structure at the Hospital? If so, please describe your proposed changes.

7. Does the Company or any of its Subsidiaries operate a hospitalist program? If so, please describe the program.
8. Specifically describe the Company's experience in physician recruitment and management of physician practices. What financial arrangements (income guarantees, loans, other financial assistance) does the Company contemplate using when recruiting physicians?
9. Please describe the Company's policies and programs regarding access to care for indigent and uninsured residents, including your specific experience with providing indigent care.
10. Please describe how you determine charity care as opposed to bad debts.
11. Describe the commitment you would make to help the Hospital access sufficient capital to address its facility, physician recruitment and other requirements for long-term financial stability and ability to support clinical excellence in the future.
12. Describe the information technology features the Company could offer to the Hospital.
13. Your commitment to continued employment of current Hospital employees and continuation of equivalent benefits, including without limitation, retirement benefits.
14. Your commitment to plan, develop construct and license a new hospital facility within five (5) years.
15. Your record of regulatory compliance.
16. Your commitment to maintain appropriate amounts of insurance coverage including without limit professional liability coverage and "tail" coverage to protect the County after the lease or sale of the Hospital.
17. Information demonstrating that the lease, or sale of the Hospital to your organization will provide for the health-related needs of medically underserved groups such as low income persons, racial and ethnic minorities, and handicapped persons.
18. Information on charges, services, and indigent care at similar facilities owned or operated by the Company and its subsidiaries.
19. Please indicate whether you are willing to pay or reimburse the County for the costs of professional fees in connection with the development of this RFP and relating to the sale or lease of the Hospital.
20. Please provide Information and examples of your commitment to support psychiatric and mental health services and coordination of care through the hospital emergency department. Please describe your experience regarding innovative methods for assessment and coordination of care or including telepsychiatry.
21. Your commitment to support Stokes County Emergency Medical Services capability to maintain an "**EMS crew station / on-call room**" at the existing and anticipated replacement hospital facility.
22. Information and examples of your commitment to support Stokes County EMS and other County Departments ability to obtain physician examination of employees with workers compensation injuries during and after normal business hours.
23. Your commitment to support public health initiatives including contract staffing for part-time, shared positions including physician's assistant and nurse practitioner, provided by the hospital to the Stokes County Public Health Clinics

and the Hospital's continued participation in Grant funded programs with the Health Department.

24. Your commitment to support public health initiatives including Healthy Carolinians and other programs.

Please contact the undersigned for more information regarding the Hospital and to schedule a visit to the Hospital

Thank you very much for your interest in this important matter.

Sincerely,

Bryan Steen  
County Manager

Enclosures

cc: Stokes County Board of Commissioners

Enclosures:

Resolution  
Statute  
Financial Statements

County Manager Steen noted the following:

- RFP has been developed to try to incorporate the views of the Board and those who were surveyed

The Board discussed the following with Special Legal Counsel John Crill and Mr. David

French, Consultant:

- Financial Statements for the past three (3) years will be included with the RFP
  - Mr. Crill noted that three years is standard procedure to include with an RFP and the latest three years that are available will be used (possibly 2007, 2008, 2009)
  - Mr. French agreed with Mr. Crill regarding including the latest three years of financial statements that are available
- Construction of a new facility in the northern part of the county (Danbury) and ownership of the current facility being reverted back to Stokes County upon the relocation to a new facility
  - Mr. Crill noted that language located on page #2 can be made clearer in the actual purchase agreement, statute requires that if all the terms and conditions of the sale are not carried out, the assets that are purchased will revert to the County
  - Mr. Crill noted that a new sentence will be included (first page-end of third paragraph) in the latest revision (not yet seen by the Board) that reads: County will require that the location of the replacement hospital be consistent with Medicare requirements for the relocation of a critical access hospital and that it be within approximately 3 mile radius of the current hospital
- Skilled Nursing Facility
  - Mr. Crill also noted that a specific reference to the skilled nursing facility will be added to the RFP which will read: Buyer will describe its proposal for relocating or replacing the Stokes Reynolds Skilled Nursing Facility
- Indigent Care Policies
  - Mr. Crill noted that Indigent Care Policies are required by statute
- Next steps:
  - Board will have to adopt a Resolution of Intent to Sale, Lease, or Convey the Hospital, notice must be advertised
  - Resolution, after adoption at a regular or special meeting, requires a Public Hearing

- County is allowed to review proposals and does not have to accept a proposal
- County can continue negotiations with a potential purchaser

Mr. French, who pulled together a description of the hospital and multiple campuses, suggested that the descriptions be double checked with hospital officials (Pam Tillman and Fred Soule) to make sure all descriptions are accurate. Mr. French stated that he felt the RFP was very comprehensive and with the changes suggested tonight meets the needs of the County.

Chairman Walker requested Manager Steen to provide the Board with the latest revision as soon as possible.

Commissioner Carroll suggested at the next meeting (September 13<sup>th</sup>), the Board review the revised RFP and the draft of the Resolution of Intent and have the Public Hearing at the following meeting (September 27<sup>th</sup>). Mr. Crill noted that the County would need to advertise that the Board may consider adoption of a Resolution of Intent to Sale, Lease, or Convey Stokes Reynolds Memorial Hospital, Inc. at the September 27<sup>th</sup> meeting.

Chairman Walker, with full consensus of the Board, directed the Clerk to place the revised RFP and draft Resolution of Intent on the September 13<sup>th</sup> – Discussion Agenda.

**Proposed Revision to County Noise Ordinance**

County Manager Bryan Steen presented the following proposed revision to the County Noise Ordinance:

**STOKES COUNTY NOISE ORDINANCE**

**Section I: AUTHORITY AND NEED FOR REGULATION OF NOISE.**

(A) The authority for the county to regulate noise is G.S. § 153A-133. A county may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens.

(B) It is found and declared by the Board of Commissioners that:

(1) The making and creation of excessive, unnecessary or unusually loud noises within the county limits is a condition which has existed for some time and the extent and volume of such noises are increasing.

(2) The making and creation of excessive or unusually loud noises and sounds interfere with and pose a threat to the health of the sick, the young, and the elderly.

(3) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual, and unnatural in their time, place and use are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the county.

(4) The making of excessive or unusually loud sounds and noises constitute a nuisance which threatens the peace and dignity of the county.

(5) The necessity and the public interest for the provisions and prohibitions hereinafter contained and enacted are declared as a matter of legislative determination and public policy, and it

is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the county and its inhabitants.

## **Section II. PROHIBITION OF UNREASONABLE NOISE.**

(A) It shall be unlawful for any person to make, continue, or cause to be made or continued or to create or knowingly assist in creating any unreasonably loud, excessive, unnecessary noise or sound at any time in the county, taking into consideration the volume, duration, frequency, time and other characteristics of the sound.

(B) Making such unreasonably loud, excessive or unnecessary noise or sound between the hours of 11:00 p.m. and 7:00 a.m. on any day of the week or continuing to make, create or knowingly assist in creating any unreasonably loud, excessive or unnecessary noise or sound after receiving actual knowledge that such noises or sounds are disturbing to persons in the vicinity shall be prima facie evidence of a violation of this ordinance.

## **Section III. EXEMPTIONS.**

The following are some mandated exemptions; however, the list is not inclusive.

(A) Athletic events and contests such as football games, baseball games and other outdoor sporting events and school reunions shall be exempt from regulation hereunder so long as such events are sponsored under the authority of the county or the county public schools or any other governmental authority. The use of any loud speaker or electronic sound amplification equipment in connection with any other athletic event which results in the creation of unreasonably loud disturbing noises and sound levels which a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity shall not be allowed.

(B) Noises from production operations of manufacturing plant facilities, power plant generating facilities, and sawmills and lumber plant facilities at any time.

(C) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 7:00 p.m. on Saturdays for which building permits have been issued, or construction operations not requiring permits; provided all equipment is operated in accordance with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise reducing equipment in use and in proper operating condition.

(D) Noises of safety signals, warning devices, emergency pressure relief valves and church bells.

(E) Noises resulting from any authorized emergency vehicles when responding to any emergency call or acting in time of emergency.

(F) Unamplified noises at street activity (such as fairs or parades) where the participants have a permit for the conduct of such activity and for use of the streets.

(G) All noises coming from the normal operation of properly equipped aircraft.

(H) All noises coming from motor vehicles properly equipped with the manufacturer's standard muffler and noise reducing equipment in use and in proper operating condition.

(I) Noise from lawful fireworks and noisemakers on holidays.

(J) Lawn mowers and agricultural equipment used between daylight and 9:00 p.m. when operated with all the manufacturer's standard mufflers and noise reducing equipment in use and in proper operating condition.



(K) Agricultural equipment operated for farming purposes, when operated in accordance with manufacturer's specifications and with all standard equipment, including manufacturer's mufflers and noise reducing equipment in use and in proper operating condition.

(L) All noises coming from the operations of paid public spectator racetracks.

(M) Noises from outdoor concerts with amplified music who have obtained permits from the state or county for limited performances.

(N) Any sound resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the county or a state or federal agency when such sounds do not exceed the conditions and limits stated in the license or permit.

#### **SECTION IV. MAXIMUM PERMISSIBLE STANDARDS BY RECEIVING LAND.**

(A) Sound levels received by the adjoining lands shall not exceed 75 decibels at any time during the day or night.

(B) Sound level measurements shall be made with a sound level meter using the "A" weighting scale set on "slow response".

(C) Sound level meters shall be at least Type Three meeting American Standards Institute, Incorporated (ANSI) latest approved version thereof. The entire sound measurement system shall be serviced and operated as recommended by the manufacturer. The persons using the sound level meters shall be trained in sound level measurement and the operation of sound level meters.

(D) Noise measurements shall be taken at the corner of the primary structure of the complainant nearest the sound source.

#### **SECTION V. PENALTY.**

(A) Any person violating any of the provisions of this ordinance shall be subject to criminal prosecution pursuant to G.S. § 14-4, and any such person found guilty of such violation shall be guilty of a Class 3 misdemeanor and subject to a fine of not more than \$500 or imprisonment for not more than 30 days pursuant to that same statute.

(B) Any person violating any of the provisions of this ordinance shall also be subject to the imposition by citation of civil penalty for each such violation in the amount of \$500 which shall be paid in full within 72 hours of the service of the citation in accordance with G.S. § 153A-123.

(C) Any person violating any of the provisions of this ordinance shall further be subject to the county enforcing the provisions of this ordinance by applying to a court of competent jurisdiction in the General Court of Justice for equitable relief including, but not limited to, mandatory or prohibitory injunctions and/or orders of abatement in accordance with G.S. § 153A-123.

(D) Each day a violation shall be considered a separate and distinct offense for the purpose of the enforcement of this ordinance.

(E) Failure to make payment and correct the violation within the 72-hour period will result in an additional fine of \$100 per day.

#### **SECTION VI. REPEAL OF PREVIOUS NOISE ORDINANCE.**

Upon the effective date of this ordinance, the previously adopted Noise Ordinance of Stokes County is hereby repealed.

This ordinance shall be effective on \_\_\_\_\_, 2010.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2010.

---

Jimmy Walker, Chairman  
Stokes County Board of Commissioners

ATTEST:

---

Darlene Bullins, Clerk to the Board

Manager Steen noted the following:

- Revised ordinance was forwarded to the City of King and Town of Walnut Cove managers for their review and input
- Response from the City of King has been provided in today's Agenda packet
- Town of Walnut requested the Board consider placing a time limit on firework displays

County Attorney Edward Powell noted the following:

- Consulted with Attorney Fleming Bell, Institute of Government, who had no issues with the proposed ordinance, but suggested to be careful with including so many exemptions
- Attorney Bell suggested that the ordinance clearly states that the enforcement can be on the unreasonably loud standard or on decibels
- Should revisit the 72 hours for payment in full
- Have not changed anything yet in the ordinance, waiting for comments from the Board regarding the changes suggested by the City of King officials
- Reiterated the revised ordinance does include criminal and civil penalties

The Board continued discussion regarding the proposed revisions to the county's noise ordinance.

The Board unanimously agreed that more discussion and thought need to be put into the revised ordinance prepared by County Attorney Powell.

The Board unanimously agreed to place the item on hold.

**Stokes Reynolds Memorial Hospital, Inc. – Funding Request**

County Manager Bryan Steen noted the following:

- County recently received a request from Chief Operating Officer Pam Tillman
- Ms. Tillman stated Stokes Reynolds Memorial Hospital is currently experiencing challenges with cash flow
- Board of Trustees at a Special Called Meeting on August 11<sup>th</sup> requests \$328,108 be appropriated to Stokes Reynolds from the funds that were appropriated in this year's budget for the hospital
- Funding would allow the hospital to bring their accounts payable to 60 days
- Request the item be moved to tonight's Action Agenda

The Board had no issues with the request and no issues with the request to move the item to tonight's Action Agenda.

Chairman Walker, with full consensus of the Board, directed the Clerk to place the item on tonight's Action Agenda.

## **2011-12 Legislative Goal Proposal**

Manager Bryan Steen noted the following:

- Legislative Goals Development Timeline:
  - September 15, 2010 - Goals submission deadline
  - September 16<sup>th</sup>-October 1<sup>st</sup> – Steering committees review goals
  - November 4<sup>th</sup>-5<sup>th</sup>/November 18<sup>th</sup>- 19<sup>th</sup> – Legislative Goals Committee meets
  - December – Board of Directors reviews and finalizes recommendations
  - January 20<sup>th</sup> -21<sup>st</sup> , 2011 – Legislative Goals Conference- membership approval of goals
- Goals may be submitted in any of the following formats: A resolution approved by the Board of Commissioners, a letter from the Chairman of the Board on behalf of the entire board, or by letter from affiliate organization
- Proposed Goals received on or before September 15<sup>th</sup> will be referred to the appropriate steering committee for review and consideration
- Proposed Goals received after September 15<sup>th</sup> will be sent directly to the Legislative Goals Committee for review

The Board discussed the NCACC Legislative Goals Process and the need to submit the Board's top three goals.

Chairman Walker requested Board members to submit their top 3 goals to the county manager to be placed on the September 13<sup>th</sup> Action Agenda.

The Board unanimously agreed to submit their top 3 goals to the manager.

Chairman Walker directed the Clerk to place the item on the September 13<sup>th</sup> Action Agenda.

## **GENERAL GOVERNMENT – GOVERNING BODY – ACTION AGENDA**

### **Tax Administration Report – July 2010**

### **Appeal – Late Application for Elderly and Disabled Exemption for 2010**

Chairman Walker entertained a motion.

Commissioner Inman moved to approve the Late Application for Elderly and Disabled Exemption for 2010 submitted by Helen P. Gibson based on “good cause” as allowed by General Statutes. Commissioner Smith seconded and the motion carried unanimously.

### **Key Box System for Stokes County**

County Manager Bryan Steen noted the following additional information:

- Per Finance Director Julia Edwards, the only funding source available to assist the Fire Departments with the cost of the Key Box System is Contingency
- Recommend that the county reimburse the Fire Departments that actually obtain the Key Box capability and that actual payment be made after the department submits a valid receipt for authorized cost associated with the system – approximately \$750.00 per department (estimated \$10,000 total cost)

Commissioner Smith confirmed with Finance Director Julia Edwards that the funding would be coming from the County's Contingency Fund and not the Service District Contingency Fund.

Commissioner Carroll suggested if the Board wished to continue with the request, the County should be responsible for the purchase of the equipment for the Fire Departments for better pricing and to ensure that every department has the same required equipment.

Vice Chairman Lankford noted the following questions that need to be answered before considering the Key Box System:

1. How many incidents have occurred where the Fire Departments have had to wait for a door to be opened?
2. How long has each fire department had to wait?
3. How many schools are currently participating at this time?

Vice Chairman Lankford noted the following:

- Feels the Key Box participation should be on a voluntary basis by each business and Fire Department instead of local government passing an ordinance
- Recommends each business should have an option to “opt out” of the program instead of having to spend money to implement the program
- Fire Departments should be able to make their decision as to their participation since the departments are non-profit organizations governed by a Board of Directors
- Feels there are too many unanswered questions to proceed with adopting an ordinance

Chairman Walker entertained a motion.

Commissioner Smith requested to question Board of Education Member Bill Hart who was in attendance for the meeting. The Board unanimously agreed to allow Commissioner Smith to question BOE Member Hart.

Commissioner Smith asked if Nancy Reynolds was the only school that would be participating in the Key Box System.

BOE Member Hart responded that he was not familiar with the Key Box System.

Commissioner Inman moved to table the item for further discussion when information regarding the unanswered questions is available. Vice Chairman Lankford seconded and the motion carried unanimously.

Chairman Walker directed the Clerk to place the item back on the Discussion Agenda when the requested information is available.

### **Smoking in County Facilities**

County Manager Bryan Steen reiterated the following options presented at the August 9<sup>th</sup> meeting that are available for the Board’s consideration:

#### **Legal Prohibition and Penalties for Violations**

I’m not aware of any current statute requiring the prohibition of smoking in county owned /operated buildings.

Failure to prohibit smoking within fifty feet of Health Department buildings can lead to the loss of a point in the Health Department accreditation evaluation if the Health Director has not gone on the record requesting such a prohibition.

### **Background Information**

In 2002, the North Carolina Division of Public Health and the North Carolina Association of Local Health Directors undertook an initiative to develop a mandatory, standards based, system for accrediting local public health departments throughout the state.

Accreditation is achieved by appropriately meeting a set of capacity-based benchmarks as evidenced by documented completion of prescribed activities.

### **Relevant Statute**

GS 130A-498 Local Governments May Restrict Smoking in Public Places

The statute enables a local government to restrict smoking through adoption of an ordinance, law or rule.

### **General Ideas / Possible Options**

I believe there are three general options: No Action, Request No Smoking or Prohibit Smoking.

- A) Take no action beyond recording in the minutes that the Health Director has requested a prohibition of smoking within fifty feet of any building where Health Department services are provided.
- B) By adoption of ordinance/ law/ rule for all County Buildings or selected buildings (such as ones in which Health Department services are provided), designate smoking areas, if physically possible, that are fifty feet from building entry doors that will be as convenient as possible for use by staff and citizens, place signs requesting smokers only smoke in designated locations due to difficulties tobacco smoke may cause non-smokers or persons using oxygen. Also mark buildings as “Smoke Free” and remove ash trays or similar receptacles. Place this information on the county web site and print, when possible, on notices/ bills/ etc. sent out by the county to make the public aware of the request not to smoke in covered county buildings.
- C) By adoption of ordinance/ law/ rule, prohibit smoking in all County Buildings or selected buildings (such as ones in which Health Department services are provided), post signage “Smoke Free” on entrance doors of buildings to be covered as well as signage prohibiting smoking and directing persons wanting to smoke to the nearest designated smoking area. Such signage, if possible, should be placed fifty feet from entrance doors of covered County Buildings. Place this information on the county web site and print, when possible, on notices/ bills/ etc. sent out by the county in order to make the public aware of the requirement not to smoke in covered buildings.

Manager Steen also reiterated the following regarding penalties that could be imposed on the County’s Health Department:

- Health Director Swift had received information from a State Accreditation Consultant that recording in the minutes that the Health Director has requested a prohibition of smoking within fifty feet of any building where Health Department services are provided will prevent the Health Department from the loss of a point on the accreditation evaluation

Commissioner Carroll requested that Health Director Josh Smith be allowed to speak if he had any additional information or comments. The Board unanimously agreed to allow Director Swift to speak.

Health Director Josh Swift noted the following:

- 21% of the adults in NC do smoke
- 79% of the adults in NC do not smoke
- Estimated 25% of adults in Stokes County do smoke
- During the past 14 years, the number of smokers in NC has declined from 26% to 20%
- 70% of smokers stated that they want to quit

- County government offices along with Sheriff's Departments in the following counties are smoke free: Rockingham, Surry, Yadkin, Wilkes, and Patrick County, Virginia
- Forsyth County is the only county that borders Stokes that allows smoking – only in the courthouse and one part of the Administrative Building

Director Swift expressed his appreciation to the Board for allowing him to speak and requested the Board of Commissioners be “Statesmen and not Politicians”, Statesmen are thinking about the next generation while a Politician is thinking about the next election.

Chairman Walker requested the preference of the Board regarding smoking in county facilities.

Commissioner Carroll moved that the prohibition against smoking in the Commissioners' Chambers be rescinded effective immediately and henceforth this room will be covered by whatever policy is adopted by this Board for the building as a whole.

Chairman Walker ruled that the motion dies for lack of second.

Chairman Walker entertained if there was any other motion pertaining to smoking in county facilities.

Commissioner Carroll moved that all buildings owned or leased by the County of Stokes and used for governmental purposes be designated as “smoke free” with smoking prohibited therein and within a 50 ft. radius around such buildings and that the county manager work with department heads in all these buildings to identify and designate smoking areas outside the buildings and post notices at entrances to all buildings identifying them as “smoke free” with smoking prohibited and the location of the designated smoking area.

Chairman Walker ruled that the motion dies for lack of second.

County Manager Steen requested the Board include an effective date if there was another motion.

Vice Chairman Lankford moved that the County continue with the present smoking policy and procedure at this point in time. Chairman Walker seconded and the motion failed (2-3) with Commissioners Smith, Carroll, and Inman voting against the motion.

Commissioner Carroll moved that all buildings owned or leased by the County of Stokes and used for governmental purposes be designated as “smoke free” with smoking prohibited therein and that the county manager work with department heads in all these buildings to identify and designate smoking areas outside the buildings and post notices at entrances to all buildings identifying them as “smoke free” with smoking prohibited and the location of the designated smoking area. Commissioner Smith seconded the motion.

Commissioner Smith stated that he had polled a majority of the department heads (smokers and non smokers) and several of the smokers stated that they would appreciate the buildings being “smoke free” and feels it will probably be impossible to have designated smoking areas 50 ft. from some of the county owned facilities. Commissioner Smith also stated that other buildings on this campus are already ‘smoke free’ . Commissioner Smith noted that he would not support a “smoke free or tobacco free” campus, but could support “smoke free” with designated smoking areas for each building. Commissioner Smith reiterated that tobacco is a legal product that brings in a tremendous amount of revenue into Stokes County.

Vice Chairman Lankford and Commissioner Inman both agreed with Commissioner Smith that individuals should have designated smoking areas.

Chairman Walker stated that he also had strong feelings about prohibiting smoking outside buildings and wished that the Board would consider a voluntary program comparable to the courthouse which only designates smoking areas outside the building (without actually prohibiting smoking in the building) and then possibly look at adopting a “smoke free” policy if that doesn’t work.

Commissioner Inman stated that individual rights are granted by the Constitution and this discussion could be debated all night, but feels that his rights stop when they interfere with the rights of another person. Commissioner Inman noted that he received several complaints from individuals in this building about the smoking in this particular building.

The motion carried (3-2) with Chairman Walker and Vice Chairman Lankford voting against the motion.

Commissioner Carroll moved that the “smoke free” policy be effective October 1, 2010. Commissioner Inman seconded and the motion carried (3-2) Chairman Walker and Vice Chairman Lankford voting against the motion.

### **Proposal for County Ordinance Pertaining to House Bill 1766**

Chairman Walker requested the preference of the Board regarding the proposal for County Ordinance Pertaining to House Bill 1766 which was discussed at the August 9<sup>th</sup> meeting.

Commissioner Carroll noted that state representatives unilaterally decided to change the Public Health Laws of the State, they did not bother to consult with health officials of any level. Commissioner Carroll also noted that he had consulted with the local Board of Health and the Board of Health voted 10 to 1 to endorse an ordinance that would require public notice for  
August 23, 2010

traditional country stores that do not have to meet sanitation regulations.

Commissioner Carroll moved that the Board of Commissioners direct the county manager and county attorney to draft an ordinance according to the following framework:

- Traditional country stores, as defined by G.S. 130A-250(13), which are exempt from the sanitation regulations required by G.S. 130A-248 shall be required to post a public notice informing customers of the exemption.
- The public notice shall be in the form of a sign of the same size, shape, quality, and durability as the sanitation grade cards required by G.S. 130A-249 of establishments required to comply with G.S. 130A-248. Signs shall be posted in the same manner and locations as the sanitation grade cards required by G.S. 130A-249. The local health department shall furnish and post the signs on a yearly basis.
- Signs shall contain the following notice: “Notice to Customers: This store has not been inspected for compliance with North Carolina’s sanitation regulations governing food preparation. It is exempt from those regulations. This exemption was granted by the N.C. General Assembly in 2010.”
- Violations of this ordinance, either by failure to display the required signs or failure to display the signs at an approved location, shall result in appropriate punishment as provided by law.
- Traditional country stores which are eligible for exemption under G.S. 130A-250(13) but which choose to voluntarily comply with G.S. 130A-248 shall not be subject to this ordinance.

Chairman Walker questioned whether G.S.130A-249 allows the Board of Health to pass an ordinance. Commissioner Carroll noted that G.S.130A-249 requires that sanitation grade cards be posted in all eating establishments. Chairman Walker noted G.S.130A-39a allows the Board of Health to pass an ordinance and seems the Board of Health has already done that by a vote of 10 to 1. Commissioner Carroll stated that the vote was to endorse the proposed ordinance and the Board of Health is waiting to see what action the Board of Commissioners will take.

Chairman Walker ruled that the motion dies for lack of second.

**Job Vacancy – Environmental Health**  
**Contractual Services – Environmental Health**  
**Budget Amendment #13**

County Manager Steen reiterated that contractual services would give Health Director Swift the ability, if needed, to contract for Environmental Services until staff is hired/trained.

Commissioner Inman moved to allow the advertising/filling of the vacant Environmental Health Specialist and the request to use funding for contractual Environmental Health Services if needed. Commissioner Smith seconded the motion.

Commissioner Inman amended his motion to include the approval of Budget Amendment #13. Commissioner Smith seconded the amendment. The Board unanimously approved the



amendment to the motion to include Budget Amendment #13.

<b>Account Number</b>	<b>Account Description</b>	<b>Current Budgeted Amount</b>	<b>Increase (Decrease)</b>	<b>As Amended</b>
<b>Environmental Health</b>				
100.5192.000	Salaries/Wages	\$204,714.00	\$(5,000.00)	\$199,714.00
100.5192.180	Professional Services	\$00.00	\$5,000.00	\$5,000.00
<b>Totals</b>		<b>\$204,714.00</b>	<b>\$00.00</b>	<b>\$204,714.00</b>

This budget amendment is justified as follows:

The Health Department will need to spend a portion of allocated Environmental Health salaries to cover the costs of contracting an Environmental Specialist to help with the workload during the hiring period of new staff.

This will result in a net increase of \$00.00 in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received this fiscal year.

Chairman Walker expressed concerns with hiring an Environmental Health Specialist at this time, especially after reviewing the decline in the number of inspections since 2006 and felt approving the contractual services would eliminate having to hire an employee right now.

Manager Steen reiterated that until the supervisor returns from leave after Labor Day, the department only has one certified inspector and one trainee and it could be some time before the vacancy if approved is filled.

The amended motion to allow the adverting/filling of the vacant Environmental Health Specialist and the request to use funding for contractual Environmental Health Services if needed along with the approval of Budget Amendment #13 carried (4-1) with Chairman Walker voting against the motion.

**Job Vacancy – E11- Telecommunicator**

Chairman Walker entertained a motion.

Vice Chairman Lankford moved to approve the adverting/filling of the vacant Telecommunicator position. Commissioner Smith seconded and the motion carried unanimously.

**Proposed Correspondence – Opposing Federally Mandated Collective Bargaining**

County Manager Bryan Steen presented the following proposed correspondence, which Opposes Federally Mandated Collective Bargaining, that would be sent to the North Carolina Congressional Delegation as directed by the Board of Commissioners at the August 9<sup>th</sup> meeting:

**Ref: Opposition to H.R. 413, Federally Mandated Collective Bargaining with Public Safety Officers: Law Enforcement Officers, Fire Fighters and Emergency Medical Services Personnel**

Dear NC Congressional Delegation Member:

The Stokes County Board of Commissioners is opposed to Federally Mandated Collective Bargaining as called for in H.R. 413 Public Safety Employer-Employee Cooperation Act. Although a strike by Public Safety Officers is not authorized in the current text of the resolution, the possibility of Law Enforcement Officers, Fire Fighters or Emergency Medical Service Personnel initiating a virtual strike through a slow down by a mass sick out, known as the "Blue Flu," or an unlawful strike is absolutely unacceptable. Additionally, a federal mandate, such as H.R. 413, diminishes the independence and effectiveness of local elected officials as well as state elected officials in serving their constituents and virtually stifles the will of citizens at the state and local level.

Please know that the elected Board of County Commissioners for Stokes County has formally instructed me to call upon you to vigorously oppose passage of H.R. 413 in its current form and also ask that, if the current bill cannot be defeated, you and other members of our congressional delegation seek to amend the current text and remove from its coverage all political subdivisions having a population of less than 500,000 citizens as recorded in the US Census.

Sincerely,

Jimmy Walker  
Chairman, Stokes County Board of Commissioners

The Board further discussed the item with Manager Steen.

Commissioner Carroll expressed concerns with the letter as written.

Chairman Walker entertained a motion.

Commissioner Inman moved to table the item indefinitely. Vice Chairman Lankford seconded and the motion carried (4-1) with Chairman Walker voting against the motion.

#### **Danbury Water System Improvement Project – Proposed Bids**

Chairman Walker entertained a motion regarding the proposed bids submitted at tonight's meeting.

Vice Chairman Lankford moved to approve Shiloh Utilities, Inc. (Eden, NC) bid in the amount of \$100,502 for the Water Meter and Service Line Improvements. Commissioner Smith seconded and the motion carried unanimously.

#### **Stokes Reynolds Memorial Hospital, Inc. – Funding Request**

Chairman Walker entertained a motion regarding the funding request from Stokes Reynolds Memorial Hospital presented at tonight's meeting.

Vice Chairman Lankford moved to approve the \$328,108 funding request be funded from funds that are already appropriated by the county for Stokes Reynolds Memorial Hospital, Inc. Commissioner Smith seconded and the motion carried unanimously.

#### **Closed Session**

Chairman Walker entertained a motion to enter Closed Session for the following:

- To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the Board of County Commissioners or any other

public body, or to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the Board of Commissioners or of some other public body pursuant to G.S. 143-318.11(a)(6).

- To consider and take action with respect to the position to be taken by the county in negotiating the price or other material terms of an agreement for the acquisition or lease of real property pursuant to G.S. 143-318.11(a)(5)

Commissioner Inman moved to enter Closed Session for the following:

- To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the Board of County Commissioners or any other public body, or to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the Board of Commissioners or of some other public body pursuant to G.S. 143-318.11(a)(6).
- To consider and take action with respect to the position to be taken by the county in negotiating the price or other material terms of an agreement for the acquisition or lease of real property pursuant to G.S. 143-318.11(a)(5)

Commissioner Smith seconded and the motion carried unanimously.

The Board re-entered the regular session of the August 23<sup>rd</sup> meeting.

#### **Draft RFP for Stokes Reynolds Memorial Hospital, Inc. – Revision**

County Manager Bryan Steen presented the Board with a revised draft RFP for Stokes Reynolds Memorial Hospital, Inc. with the changes discussed at tonight's meeting. The Board will discuss the revised draft RFP at the September 13<sup>th</sup> meeting.

#### **Health Department**

Chairman Walker entertained a motion.

Commissioner Smith moved to honor the request of the Health Director to increase the salary from \$56,000 to \$61,125 for the mid level provider and to authorize the hiring of PHNII with ten years experience and place the salary on a grade and step of \$44,375.00. Commissioner Carroll seconded and the motion carried (3-2) with Chairman Walker and Vice Chairman Lankford voting against the motion.

Commissioner Smith moved to approve October 5, 2010 as the effective date for the salary increase for the mid level provider. Commissioner Carroll seconded and the motion carried (4-1) with Vice Chairman Lankford voting against the motion.

#### **Former Dan River Art Market Building**

Chairman Walker entertained a motion.

Vice Chairman Lankford moved to direct the county manager to draft and send a letter to The Danbury Town Council stating that the Board is not interested in purchasing the former Dan River Art Market Building.

Chairman Walker ruled that the motion dies for lack of second.

The Board continued discussion regarding possible renovations, that could possibly be funded by grants, to the former Art Market Facility as suggested by the Economic Development Director and Arts Council Director.

Chairman Walker entertained a motion.

Commissioner Smith moved to authorize the county manager to continue discussion with the Town of Danbury on a possible donation of the former Dan River Art Market facility to Stokes County. Commissioner Inman seconded and the motion carried (4-1) with Vice Chairman Lankford voting against the motion.

### **Adjournment**

There being no further business to come before the Board, Chairman Walker entertained a motion to adjourn the meeting.

Commissioner Inman moved to adjourn the meeting. Vice Chairman Lankford seconded and the motion carried unanimously.

---

**Darlene M. Bullins**  
**Clerk to the Board**

---

**Jimmy Walker**  
**Chairman**