

Will Cathy - Absences

**Trisha Hogan**

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**From:** Sunshine Request <records@sunshinerequest.com>  
**Sent:** Wednesday, June 3, 2020 1:19 PM  
**To:** Trisha Hogan  
**Subject:** Records Request: (June 2020) Request for Transylvania County, NC commissioner emails as of 01/01/2020

Hello Transylvania County, NC Government,

We hope you are staying safe and well!

We've received a new public records request via our website [www.sunshinerequest.com](http://www.sunshinerequest.com) for information that may be available in your office. Please confirm receipt to let us know the request will begin processing, and if possible, please provide a rough estimate of when the request may be completed. We will plan on following up again around that time.

\*\* For users on our site, we'd like to note that we understand the request may take longer due to the COVID-19 pandemic. As mentioned by Trisha Hogan on May 01 related to another Transylvania request on our site:

*"... Please keep in mind that county government is navigating the COVID-19 pandemic because we are responsible for emergency management and planning, as well as preparing the FY 21 budget which must be adopted by June 30. We appreciate your patience in advance as we work to fulfill this record request. Please understand a response could take up to 90 days simply because we have to prioritize the needs of the county and its citizens."*

Here are the details of the request:

**Subject:** (June 2020) Request for Transylvania County, NC commissioner emails as of 01/01/2020

**Message:** "Hello Transylvania County, NC Government,

I would like to make a public records request for the following information:

Please provide all emails, letters, and any other communications between commissioners, as well as any communications between commissioners and staff, related to the absence of Commissioner Will Cathy from meetings. This should include anytime Mr. Cathy's absence was mentioned.

The responsive information should include the time period of January 01, 2018 through January 01, 2020.

Thank you for your assistance!"

*\*\* Sunshine Request makes no claim as to the veracity of any statements or information contained in any of the requests, or public records, we receive.*

Thank you,  
Sunshine Request

the contract. She encouraged continued communication and engagement. **The motion was unanimously approved.**

#### MANAGER'S REPORT

The Manager reported the following:

- 2<sup>nd</sup> public hearing on the FY 2020 Budget will be held during the Board of Commissioners' meeting on Monday, June 24 at 7:00 p.m.; written comments may be submitted to the Clerk to the Board; written comments will be compiled and forwarded to Commissioners
- Rishara Finsel will join us in July as Transylvania County's new Library Director. She comes to us from Polk County. We are excited to have her on board!
- The Transylvania Family Resource Center has been invited to participate in some research being conducted by UNC Chapel Hill about the effectiveness of a cross-sectional approach to preventing and addressing domestic violence and sexual assault as a community
- UNC School of Government has requested to make Transylvania County a site visit for the first cohort of Lead for NC. The request included that they wanted the cohorts to visit communities that are using innovative thinking and a willingness to think outside of the box to find community solutions. Students will learn about Get Set Transylvania, the Solid Waste Mushroom Project, Waterfall Safety Collaborative Project, Opiate Response Team/CARE Coalition and Connect Transylvania while they are here.
- Mushroom Project has started at the landfill. This is an innovative approach to helping manage erosion at the site and is a collaborative project between Cooperative Extension and Landfill staff. Kudos to Kenn Webb and Bart Renner for teaming up to make this project happen!

#### **PUBLIC COMMENT**

There were no comments from the public.

#### **COMMISSIONERS' COMMENTS**

Commissioner Guice stated that the budget process is difficult, and it would be made easier by having open discussions with fellow Commissioners, so he was disappointed with regard to one Commissioner having a history of missing meetings or leaving meetings early. Commissioner Guice stated he is giving a lot of his time and energy toward helping this community move forward, and he stressed the importance of all Commissioners being at the table and being prepared for meetings. He stated this issue needs to be addressed.

Commissioner Lemel thanked Commissioner Guice for going on record with his comments. She noted her role as a full-time business owner, as well as a mom and County Commissioner. Being a County Commissioner takes a heavy commitment of time, energy and effort to do it well. She felt it was appropriate to hold the entire Board to the same high standard.

Chairman Hawkins said that while Commissioner Guice is retired, he has a full-time job caring for two elderly parents. He was in awe of Commissioner Lemel for all the work she gives the County. He agreed with the sentiment that serving as a County Commissioner is an extreme commitment and it gets harder and more complicated every year. He said there has to be a willingness to commit time and energy. He agreed that the issue needs to be resolved in a positive way.

Start

## DISCUSSION OF TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS CODE OF ETHICS

Chairman Hawkins reported that this issue was brought to light today. The goal of this discussion is to see how the current code applies to the Board and if there was any direction that should be given to staff.

Commissioner Lemel referred specifically to section 4 for discussion.

Commissioner Guice commended Commissioner Chappell for his service on the Board at the time in which the code of ethics was drafted and approved. He felt the document to be very important and one that defines the roles and responsibilities of a County Commissioner in a straightforward way.

Commissioner Guice read section 4 aloud. It states:

*Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.*

*Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.*

*Board members should be willing their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.*

Commissioner Guice stated that Commissioners are concerned about the large number of meetings that Commissioner Cathey has missed.

Commissioner Cathey replied that he could provide medical documentation for his absences if needed.

Commissioner Guice reported on Commissioner Cathey's attendance record and noted that he failed to respond to attempts by the Chairman to contact him. He stated the work of a County Commissioner is difficult and it requires attendance and preparation. The number of absences has caused the other Board members to have great concern. In addition, they feel they the Board's code of ethics exemplifies those concerns as it relates to the responsibilities of a County Commissioner.

Chairman Hawkins added that part of the reason he is okay with having this discussion is for the purpose of understanding how to resolve this problem. It runs contrary to the standards in the code of ethics that the Board has vowed to hold itself to. His goal is to discuss paths forward and deal with the problem.

Commissioner Guice stated that Commissioners are also responsible for serving on various committees. There are certain appointments in which the appointment of a County Commissioner is required. He was also concerned that Commissioner Cathey was appointed by the Board of Commissioners to the Board of Health, but has yet to be sworn in or attend a meeting. In addition, the Board of Commissioners made adjustments to the meeting schedule at Commissioner Cathey's request. All Board meetings are important as Commissioners are making critical decisions regarding the future of this community. He did not want to sound negative, but noted that there is action the Board can take.

Chairman Hawkins stated if the code of ethics is intended to have meaning, then it should be honored. Given the standards set in the document, there is a serious issue that needs to be resolved. He was open to suggestions on a path forward.

Commissioner Cathey said it is his primary purpose to attend Board meetings, but he has been suffering through health issues. He stated he has provided his contact information to Commissioners where he can be reached anytime. He stressed that he wants to be part of this Board and do his job.

Commissioner Lemel asked Commissioner Cathey if he would commit to attending the Board of Health meeting tomorrow night. He replied yes. She also said he is expected to read the agenda packets on his County-issued laptop in preparation for each Board meeting.

Commissioner Guice informed Commissioner Cathey of important documents waiting in his office mailbox.

**Commissioner Guice moved to request the Chairman check with legal counsel and either the NCACC or School of Government to determine options available to the Board, seconded by Commissioner Cathey.** Chairman Hawkins stated this Board should be viewed as an institution and it should be honored. For that reason, he thought it was useful to examine all the ways Commissioners can maintain its integrity. Commissioner Chappell expressed concern with procedure. The agenda item was added to review the code of ethics, but there was no indication of any anticipated action. Chairman Hawkins agreed with consistency with Board procedure and he felt he could act without a formal motion. **The motion passed by 3 to 2, with Commissioner Chappell and Chairman Hawkins voting against.**

End.

#### MANAGER'S REPORT

The Manager reported the following:

- GetSet will launch the first toolkit distribution on the topic of family bonding on September 16. Caregivers interested in receiving a toolkit can sign up for free at [getset-tc.org](http://getset-tc.org). October's toolkit will feature the topic of language development. Commissioner Lemel had a sample toolkit for viewing by Commissioners and the public and she described the contents.
- The first cohort of Connect Transylvania had their first session in August. This cohort of County employees from across the organization will learn about the diverse services the County provides over the coming year while also participating in leadership and professional development.
- Kudos from NCACC Fellow Kate Hayes to the Building Department for their assistance in learning development processes as she assists Planning Director Jason Stewart on recommendations for process improvement in the Planning Department.

#### **PUBLIC COMMENT**

There were no comments from the public.

#### **COMMISSIONERS' COMMENTS**

Commissioner Chappell read two quotes in remembrance of the upcoming 18<sup>th</sup> anniversary of the 9/11 terrorist attacks.

“Today, our fellow citizens, our way of life, our very freedom, came under attack in a series of deliberate and deadly terrorist acts. The victims were in airplanes or in their offices, secretaries, business men/women, military and federal workers, moms and dads, friends and neighbors. Thousands of lives were suddenly ended by evil, despicable acts of terror. The pictures of airplanes flying into buildings, fires burning, and huge structures collapsing have filled us with disbelief, terrible sadness and quiet unyielding anger. These acts of mass murder were intended to frighten our nation into chaos and retreat, but they have failed. Our country is strong. A great people has been moved to defend a great nation.”  
President George W. Bush

## Trisha Hogan

---

**From:** Trisha Hogan  
**Sent:** Tuesday, October 15, 2019 2:18 PM  
**To:** Kate Martin; Jaime Laughter  
**Subject:** RE: Cathey inquiry

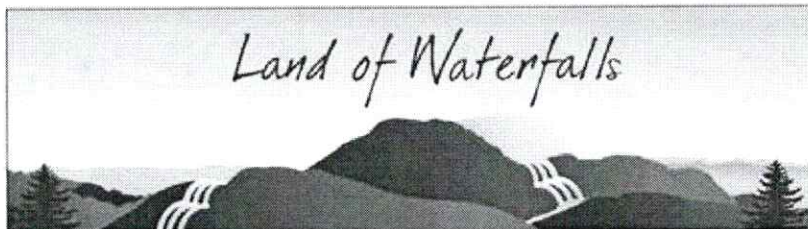
Good afternoon Ms. Martin,

Commissioner Cathey attended both Board of Commissioners' meetings in September, as well as yesterday's meeting.

He maintains his position as an elected official on the Board of Commissioners.

Thank you,

Trisha Hogan, CMC, NCCCC  
Clerk to the Board  
Transylvania County Administration  
101 South Broad Street  
Brevard, NC 28712  
(828) 884-3100 X4 Office  
(828) 884-1936 Direct Office Line  
(828) 884-3119 Fax  
[Trisha.hogan@transylvaniacounty.org](mailto:Trisha.hogan@transylvaniacounty.org) OR  
[trisha.hogan@tconc.org](mailto:trisha.hogan@tconc.org)  
[www.transylvaniacounty.org](http://www.transylvaniacounty.org)



**TRANSYLVANIA**  
— COUNTY —  
N O R T H C A R O L I N A

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**From:** Kate Martin [mailto:kmartin@carolinapublicpress.org]  
**Sent:** Tuesday, October 15, 2019 1:43 PM  
**To:** Trisha Hogan; Jaime Laughter  
**Subject:** re: Cathey inquiry

Good afternoon,

Has Mr. Cathey been present at meetings since the beginning of September?

Has there been any change of status as county commissioner?

Thank you for your time.

Kate

Kate Martin, Lead Investigative Reporter

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[twitter.com/KateReports](https://twitter.com/KateReports)

## Trisha Hogan

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**From:** Jaime Laughter  
**Sent:** Thursday, June 13, 2019 4:07 PM  
**To:** Paulette LaBerge  
**Cc:** Trisha Hogan  
**Subject:** RE: Kimzey Jackson ?

Paulette,

I believe that was covered in the newspaper in today's edition. Would you call him back and let him know? The article is below:

# Board Members Speak Out On Meeting Attendance



June 13, 2019

At the beginning of Tuesday's regular Transylvania County Board of Commissioners' meeting, Commission Chairman Mike Hawkins noted that Commissioner Jason Chappell was absent because he was on vacation, but he didn't know why Commissioner Will Cathey, who is also a local attorney, was absent and speculated that he may be in court.

At the end of the meeting during commissioner comments, Commissioner David Guice talked about the role of a commissioner.

"In an effort to spend the necessary time that is required of a commissioner, especially during budget sessions, I have to say that it's very difficult," he said. "Budgets are complex to begin with, but it makes it easier when you are sitting with your fellow commissioners and you have an opportunity to discuss matters. It just makes the process easier. I am somewhat disappointed that we, and I'm not speaking about vacation or planned events away from commissioner meetings, or emergencies, but I just feel that we've been somewhat shortchanged, as it is when commissioners don't come to meetings or there is a history of missing meetings or just getting up and walking out of meetings."

Guice said to Hawkins that he wanted to "go on record" that this is "something that bothers (him)." Guice said he chose to retire to the county and to "stay engaged and involved" and that he gives a lot of time and energy to try and help the county move forward and address issues, but that the county needs all elected commissioners to come to meetings and "be prepared."

"I know this is a public setting, and I am trying to be very careful as to what I say, but anyone who has been participating with us (can) recognize that there is an issue going on, and we need to find a way to address this that will produce a good outcome for the citizens of Transylvania County," he said.

Commissioner Page Lemel said she “really appreciated” Guice “going on record,” particularly since Guice is retired, unlike the other four commissioners.

Lemel described herself as having three full-time jobs: as a commissioner, owner of Keystone Camp and as a mother.

“(A commissioner’s) job does takes a heavy commitment of time and energy and effort to do it well, and to serve our citizens well, and I do think that it is appropriate for us to hold our entire board to the same high standard of effort,” she said.

Hawkins said he agreed with the “sentiment” that being a commissioner is an “extreme commitment.”

“It gets harder and more complicated every year,” he said. “That’s literally true, and you have to be willing to commit time and energy to it. And the issue is that you can’t fake it, particularly with your fellow commissioners. And that presents issues in terms of effectiveness with fellow commissioners. I agree that we certainly have an issue that needs to be resolved in a positive way. We are working on it, and we will continue to work on it.”

After being elected to the board in November, Cathey indicated he had an issue, because of his job as an attorney, with attending the regular commissioners’ meetings that are held at 9 a.m. on the second Tuesday of the month. Chappell, who works at Blue Ridge Community College, has also voiced concerns about the daytime meetings. The commissioners’ other regular twice-monthly meeting is held at 7 p.m. on the fourth Monday of the month. Previously, both meetings had been held on Mondays in the evening. Commissioners had changed the time for one of the meetings after members of the public complained, for one, that they were uneasy about driving at night to attend.

In May, commissioners approved changing their meeting schedule, beginning July 1, from 9 a.m. on the second Tuesday of the month to 4 p.m. on the second Monday of the month; and changing the 7 p.m. meeting on the fourth Monday of the month to 6 p.m. on the same day.

Of the 18 meetings that have occurred since Dec. 3, 2018, according to county records, Cathey was absent at the 9 a.m. meeting on Dec. 18; arrived one minute before adjournment at the 9 a.m. meeting on Jan. 8; was absent at the 6 p.m. special meeting with the Board of Education on Jan. 16; arrived at 10:25 a.m. at the 9 a.m. meeting on Feb. 19; was absent at the 9 a.m. meeting on May 14; was absent at the 6 p.m. special meeting (budget presentation) on May 23; left the budget workshop meeting held at 6 p.m. on June 6 at 7:55 p.m. (The meeting adjourned at 8:30 p.m.); and, as previously mentioned, was absent at the 9 a.m. meeting on June 11.

Over the same period, Chappell was only absent at the June 11 meeting.

**From:** Paulette LaBerge <paulette.laberge@transylvaniacounty.org>  
**Sent:** Thursday, June 13, 2019 3:17 PM  
**To:** Jaime Laughter <jaime.laughter@transylvaniacounty.org>  
**Cc:** Trisha Hogan <trisha.hogan@transylvaniacounty.org>  
**Subject:** Kimzey Jackson ?

Hey Jaime,



Mr. Kimzey Jackson came in today; and he needs to know Will Cathey's attendance at the Commissioners' meetings. He needs this information before his meeting this Saturday if possible. His phone number is 828-508-2540.

**Paulette LaBerge**

*Administrative Assistant*

**Transylvania County Administration**

101 South Broad Street

Brevard, NC 28712

(828) 884-1933

(828) 884-3119 fax

*paulette.laberge@transylvaniacounty.org*

## Trisha Hogan

---

**From:** Trisha Hogan  
**Sent:** Thursday, September 5, 2019 2:05 PM  
**To:** Sammy Kicklighter; rjk1934@gmail.com; 'Aubrey Woodard'  
**Subject:** FW: Commissioner Cathey

The email below was in response to the T. Times' request for Commissioner Cathey's attendance record. The date range is from the time he was elected through June 11, 2019. I'm adding at your request his attendance record since that time:

Attendance		Time	
Monday, 6/24/2019	regular meeting	7pm	Present
Tuesday, 7/9/2019	regular meeting	4pm	Present
Monday, 7/22/2019	regular meeting	6pm	Present
Monday, 8/5/2019	special meeting/strategic planning workshop (Clerk received email from Commissioner Cathey that he had a jury trial in Henderson County and would not be able to attend workshop)	12 noon-5pm	Absent
Monday, 8/12/2019	regular meeting CANCELLED	n/a	n/a
Monday, 8/26/2019	regular meeting	6pm	Absent

Trisha Hogan, CMC, NCCCC  
Clerk to the Board  
Transylvania County Administration  
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Brevard, NC 28712  
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(828) 884-1936 Direct Office Line  
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Trisha.hogan@transylvaniacounty.org OR  
trisha.hogan@tconc.org  
www.transylvaniacounty.org

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-----Original Message-----

From: Trisha Hogan  
Sent: Tuesday, June 11, 2019 11:24 AM  
To: Derek McKissock  
Subject: RE: Commissioner Cathey

Meeting Date	Attendance	Time
Monday, 12/3/2018 organizational meeting	Present	7:45am
Friday, 12/7/2018 special meeting (discuss pending land sale contract on Brevard College property)	Present	4pm
Tuesday, 12/18/2018 regular meeting (rescheduled from previous Tuesday due to winter storm)	Absent	9am
Tuesday, 1/8/2019 regular meeting	Absent; arrived at 10:45 – 1 minute before adjournment	9am
Wednesday, 1/16/2019 special meeting (joint meeting with Board of Education, Kara Millonzi)	Absent	6pm
Monday, 1/28/2019 regular meeting	Present	7pm
Tuesday, 2/19/2019 regular meeting (budget kickoff meeting-departmental presentations)	Arrived late at 10:25 am; meeting adjourned at 1:55pm	9am
Monday, 2/25/2019 regular meeting	Present	7pm
Tuesday, 3/12/2019 regular meeting	Present; arrived after welcome and at start of public comment	9am
Monday, 3/25/2019 regular meeting	Present	7pm
Tuesday, 4/9/2019 regular meeting	Present	9am
Monday, 4/22/2019 regular meeting	Present	7pm

period

Wednesday, 5/1/2019 special meeting (Fire/Rescue-Kara Millonzi presentation) Present	6pm
Tuesday, 5/14/2019 regular meeting Absent (had informed Jaime he was on vacation this week, but she left our meeting)	9am Tawny saw him in court after
Thursday, 5/23/2019 special meeting (Budget Presentation) Absent (vacation?)	6pm
Tuesday, 5/28/2019 regular meeting Present	7pm
Thursday, 6/6/2019 special meeting (Budget Workshop) Present-left meeting at 7:55pm; meeting adjourned at 8:30pm	6pm
Tuesday, 6/11/2019 regular meeting and budget PH absent	9am

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-----Original Message-----

From: Derek McKissock [mailto:dmckissock@transylvaniatimes.com]  
 Sent: Tuesday, June 11, 2019 11:18 AM  
 To: Trisha Hogan  
 Subject: Commissioner Cathey

Hey Trisha,

Not sure If you have this information close at hand, but do you know how many BOC meetings Commissioner Cathey has not attended since elected?

Thanks,

Derek

## Trisha Hogan

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Hey Trisha,

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## Tom Wehrle

---

**From:** Page Lemel  
**Sent:** Tuesday, December 17, 2019 3:07 PM  
**To:** Mike Hawkins  
**Cc:** Jaime Laughter  
**Subject:** Fw: BOH Attendance  
**Attachments:** BOH attendance 2019.docx

FYI. Will has only attended the September meeting of the BOH. I am not necessarily looking for something else to do. I inquired out of curiosity as I am trying to advocate for more active engagement from the Health Department with GetSet. It has been a bit of a challenge to date, but we are going to need them to be fully engaged as we move forward with Family Connects.

Thanks.

Page Ives Lemel  
County Commissioner  
Transylvania County  
101 South Broad St  
Brevard, NC 28712  
828-884-9125 (office)

---

**From:** Elaine Russell <elaine.russell@transylvaniacounty.org>  
**Sent:** Tuesday, December 17, 2019 2:33 PM  
**To:** Page Lemel <page.lemel@transylvaniacounty.org>  
**Subject:** FW: BOH Attendance

Per request. CC Cathy did not count in attendance until he took his oath in September...Elaine

J. Elaine Russell, MPH  
Health Director  
Phone: 828-884-3135 ext. 1747  
[elaine.russell@transylvaniacounty.org](mailto:elaine.russell@transylvaniacounty.org)



106 EAST MORGAN STREET  
SUITE 105  
BREVARD, NC 28712  
828.884.3135  
[transylvaniahealth.org](http://transylvaniahealth.org)

**EVERYDAY. EVERYWHERE. EVERYONE.**

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**From:** Laura Petit <Laura.petit@transylvaniacounty.org>  
**Sent:** Tuesday, December 17, 2019 1:50 PM  
**To:** Elaine Russell <elaine.russell@transylvaniacounty.org>  
**Subject:** RE: BOH Attendance



Attached for you.

Laura Petit  
Business Officer  
828-884-1748  
828-884-3140 (fax)  
laura.petit@transylvaniacounty.org



106 EAST MORGAN STREET  
SUITE 105  
BREVARD, NC 28712  
828.884.3135  
transylvaniahealth.org

## EVERYDAY. EVERYWHERE. EVERYONE.

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**From:** Elaine Russell <[elaine.russell@transylvaniacounty.org](mailto:elaine.russell@transylvaniacounty.org)>  
**Sent:** Tuesday, December 17, 2019 1:06 PM  
**To:** Laura Petit <[Laura.petit@transylvaniacounty.org](mailto:Laura.petit@transylvaniacounty.org)>  
**Subject:** BOH Attendance

Laura,  
Can you pull the BOH attendance for the last year, Page has requested the information.  
Thanks,  
Elaine

J. Elaine Russell, MPH  
Health Director  
Phone: 828-884-3135 ext. 1747  
[elaine.russell@transylvaniacounty.org](mailto:elaine.russell@transylvaniacounty.org)



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## EVERYDAY. EVERYWHERE. EVERYONE.

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Health Director  
Phone: 828-884-3135 ext. 1747  
[elaine.russell@transylvaniacounty.org](mailto:elaine.russell@transylvaniacounty.org)



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**From:** Laura Petit <[Laura.petit@transylvaniacounty.org](mailto:Laura.petit@transylvaniacounty.org)>  
**Sent:** Tuesday, December 17, 2019 1:50 PM  
**To:** Elaine Russell <[elaine.russell@transylvaniacounty.org](mailto:elaine.russell@transylvaniacounty.org)>  
**Subject:** RE: BOH Attendance

Attached for you.

Laura Petit  
Business Officer  
828-884-1748  
828-884-3140 (fax)  
[laura.petit@transylvaniacounty.org](mailto:laura.petit@transylvaniacounty.org)



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**From:** Elaine Russell <[elaine.russell@transylvaniacounty.org](mailto:elaine.russell@transylvaniacounty.org)>  
**Sent:** Tuesday, December 17, 2019 1:06 PM  
**To:** Laura Petit <[Laura.petit@transylvaniacounty.org](mailto:Laura.petit@transylvaniacounty.org)>  
**Subject:** BOH Attendance

Laura,  
Can you pull the BOH attendance for the last year, Page has requested the information.  
Thanks,  
Elaine

J. Elaine Russell, MPH  
Health Director  
Phone: 828-884-3135 ext. 1747  
[elaine.russell@transylvaniacounty.org](mailto:elaine.russell@transylvaniacounty.org)



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