

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AND PUBLIC HEARING- February 12, 2007

The Board of Commissioners of Transylvania County met in regular session on Monday, February 12, 2007 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed, and Vice-Chairman Kelvin Phillips.

Staff Members present were County Manager Artie Wilson, Project Manager Larry Reece, Sheriff David Mahoney, Clerk of Court Rita Ashe, Mike Thomas, Bailiff Supervisor Jimmy Jones, Emergency Services/Maintenance Director David McNeill, Genelle Chapman, Finance Director Gay Poor, Economic Development Director Mark Burrows, Personnel Director Shelia Cozart, Board of Elections Director Judy Matthews, Traci Fisher, Charlene Stone, Tax Assessor/Collector David Reid, Transportation Director Keith McCoy, County Attorney Dave Neumann, Health Director Steve Smith, Communications Director Kevin Shook, Jessica McCall and Clerk to the Board Trisha McLeod.

Media: *Times News*- Jonathan Rich
Transylvania Times- Carleigh Knight

There were approximately 50 people in the audience.

CALL TO ORDER

Chairman Chappell presiding called the meeting to order at 7:00 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting.

PRAYER

Chairman Chappell offered the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Bullock led the Pledge of Allegiance.

PUBLIC HEARING

TRANSYLVANIA COUNTY TRANSPORTATION PLAN

The purpose of the Public Hearing is to give the public opportunity to comment on the proposed Transylvania County Comprehensive Transportation Plan.

Matt Day from the North Carolina Department of Transportation's Planning Branch presented the Transylvania County Comprehensive Transportation Plan. He explained this is a long-range plan that is intended to identify the projects that may be necessary within the next 20-30 years depending on growth in the county.

Mr. Day identified some of the Major Projects:

- Sylvan Valley Parkway, also known as the Brevard By-Pass
- NC 215
- US 64 West

Chairman Chappell declared the Public Hearing open.

Mark Burrows, Economic Development Director:

Mr. Burrows thanked Mr. Matt Day for his time and energy in analyzing the needs of Transylvania County and the City of Brevard and for incorporating the thoughts of the City and County Planning Boards and the Transportation Board into the proposal.

Chairman Chappell echoed the comments made by Mr. Burrows and thanked Mr. Day for his hard work.

There were no other comments. Chairman Chappell declared the Public Hearing closed.

AGENDA MODIFICATIONS

The Manager reported on the Agenda Modifications as requested. Under New Business, Item E Manager's Report was removed from the Agenda. Under New Business, Item E Security Measures at the Courthouse, Item F Request to Change NCGS 122c-118.1 Structure of Area Board and Item G Meeting with the Board of Education were added to the Agenda.

Commissioner Guice moved to approve the Agenda as amended, seconded by Commissioner Bullock and unanimously approved.

CONSENT AGENDA

The following items were approved:

MINUTES

The minutes of the January 22, 2007 regular meeting and Public Hearing were approved with one change: Under Agenda Modifications, the second line should read “Appalachian Counseling” instead of “Application Counseling”.

FACILITIES USE REQUESTS

The use of the Courthouse Lawn and Gazebo was approved for the following:

- Clergy Group of Local Churches in Observation of National Day of Prayer; May 3, 2007, 10:30 a.m.- 2:00 p.m.
- Heart of Brevard, White Squirrel Festival; May 26, 2007, 9:00 a.m. - 6:00 p.m. and May 27, 2007 12:00 p.m. - 6:00 p.m.
- Heart of Brevard, July 4th Celebration; July 4, 2007, 8:00 a.m. – 5:00 p.m.
- Transylvania County Heritage Center, Conduct Old Time Street Dances; July 10, 17, 24, 31, 6:30 p.m. – 9:00 p.m.; August 7, 14, 21, 28, 6:30 p.m. – 9:00 p.m.
- Heart of Brevard, Halloweenfest; October 27, 2007, 9:00 a.m. – 6:00 p.m.

The use of the Large Courtroom was approved for the following:

- Transylvania County Democrats Precinct #4, Annual Meeting; March 3, 2007, 9:00 a.m. – 1:00 p.m.
- Transylvania County Democrat Party, Annual Meeting; April 14, 2007, 9:00 a.m. – 2:00 p.m.

Commissioner Guice moved to approve the consent agenda as provided, seconded by Commissioner Phillips and unanimously approved.

PRESENTATIONS/RECOGNITIONS

There were no presentations or recognitions.

APPOINTMENTSJUVENILE CRIME PREVENTION COUNCIL

Commissioner Chappell moved to appoint Paul Lekanides as a Person Under 21, seconded by Commissioner Phillips and unanimously approved.

Commissioner Guice moved to appoint Meghan Jenkins, seconded by Commissioner Bullock and unanimously approved.

Commissioner Phillips moved to appoint Jana Jacobs from Communities in Schools, seconded by Commissioner Guice unanimously approved.

OLD BUSINESS

RESOLUTION ASKING WILDLIFE RESOURCES COMMISSION FOR SPECIAL RULES AND REGULATIONS ON LAKE TOXAWAY

The Lake Toxaway Property Owners' Association has requested the Board of Commissioners ask the Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on Lake Toxaway. A Public Hearing was held at the previous Commissioners' meeting and no one spoke in opposition to this request.

Commissioner Guice moved to approved resolution 35-07, seconded by Commissioner Hogsed and unanimously approved.

Resolution 35-07 attached as part of the minutes.

BIDS FOR APPLIED TECHNOLOGY BUILDING- BLUE RIDGE COMMUNITY COLLEGE

On January 30, 2007, 9 bids were received for the new Applied Technology Building to be constructed at the Brevard Campus of Blue Ridge Community College. The lowest bid was from McCarrol Construction at \$1,971,000. The proposed construction budget is \$1,868,258 leaving a shortfall of \$102,742. After the bid process Manager Wilson met with Mr. David Whitson, Finance Officer for BRCC, and the architect to see if any costs might be reduced by substituting materials, etc. and to see if additional state bond funds might be available.

The Manager was pleasantly surprised that the bids that came in were so close to the actual construction budget. At this time, he does not anticipate any additional state bond funds being available for this project. In order for us to move ahead, the additional funds will need to come from Transylvania County.

Dr. Sink, President of BRCC, was present at the meeting and asked some of his staff to talk briefly about the programs that would be offered in the new Applied Technology Building. Mr. Earl Medlin stated that BRCC plans to add, as part of the curriculum, courses in Automotive Service Technology, an LPN or RN Program, Horticulture and Small Business Engine Repair. Ms. Molly Parkhill added that they will be offering a small business incubator in hopes of incubating some small businesses in the area and coupling that with their MB Program.

Manager Wilson added that the total project cost is \$2,390,349 with monies coming from Transylvania County, state bond funds and a federal construction grant. If approved, Transylvania County would contribute \$1,350,486 towards the capital expenses.

Commissioner Guice stated that this is an outstanding opportunity for the community and he will continue to be supportive of this effort. Commissioner Hogsed added that this will be a great source for economic development within the county. Chairman Chappell echoed their comments added that this is a tremendous opportunity for all our citizens.

Commissioner Guice moved to approve the \$102,742 in additional funds for the project with this amount reduced by any additional funding received from the state or by way of the legislature with monies to come from the contingency fund, seconded by Commissioner Hogsed and unanimously approved.

POSITION OF TAX COLLECTOR

In August 2006, the Board of Commissioners appointed Mr. David Reid as Tax Collector to fill the unexpired term of the former Tax Collector who retired or “until such time as the State Legislature makes it an appointed office”. At the same time the Board instructed Mr. Reid to combine the Tax Assessor and Tax Collector Departments. In September 2006, the Board of Commissioners approved the reorganization of the Tax Assessor and Tax Collector’s office which resulted in an annual savings of \$101,933.

Since the reorganization there have been many significant improvements in both the Tax Assessor and Tax Collector’s offices:

- Improved customer service as a result of cross training staff
- Improved collection of delinquent taxes
- Redo of payment plans
- Discovered and corrected problems with address changes that were due to lack of communication among two departments
- Several technological changes

Mr. Reid has demonstrated that bringing the two departments together is doable with a significant cost savings to the county while at the same time offering better customer service to our citizens.

The Board of Commissioners can opt to request our legislators to introduce local legislation to make this an appointed position or leave it as an elected position. The Manager noted that many Boards of Commissioners have arrived at the conclusion that it would be better to make this an appointed position but no legislation has ever been introduced to make the change.

Options for Commissioners to consider:

Leave the position as elected

Pros:

- Elected by the people

Cons:

- The position should not be political but based on ability
- All laws are written to be appointed
- Cost savings of approximately \$102,000
- Customer service gains achieved would be lost if it was taken back as two separate individual departments

Introduce local legislation to change the Tax Collector position to appointed

Pros:

- All cost savings and customer service gains would continue
- Allow the Board of Commissioners to have direct control over the position and the performance of the person
- All NC laws are written for an appointed position which gives clear guidance on how things are to be done

Cons:

- Takes away being an elected position by the people

In November, County Attorney Jeanne Hall gave her legal opinion on the matter. She outlined four different ways that this matter could be addressed if the Board decides to change the position to appointed. After looking at the information, the Manager found that the easiest way would be to introduce local legislation for the change to be made. Henderson and Haywood counties made the change from an elected to an appointed position in this same manner.

A question was raised by a commissioner on whether this could be put to a vote of the citizens of Transylvania County. According to Mr. David Lawrence with the Institute of Government, “there is no such authority for either an advisory or a binding referendum on changing the manner of selection of a county tax collector”.

Commissioner Bullock said that customer service in both departments has improved and there’s been a significant cost savings but he believes a lot of people have concerns about taking away an elected official. He suggested holding a Public Hearing.

Commissioner Guice stated that this issue has been discussed by Boards of Commissioners for almost 30 years. In 1971, the General Assembly made it clear that this position should be appointed. He noted that a Public Hearing was held on this same issue within the last year and a half. By combining the two departments, we have saved taxpayers over \$100,000 on a reoccurring basis. He believes we are not taking something from the citizens of our community but thinks we are making good decisions that relate to the spending of taxpayer dollars.

Commissioner Phillips commended the staff in the Tax Collector and Tax Assessor’s offices for doing an excellent job. He thinks the same savings could have been achieved through cross-training and in other areas and does not believe the savings is totally related to combining the offices. He stated the majority of citizens in the county want to see this remain an elected position

Commissioner Hogsed agreed with Commissioner Bullock in that he believes we should hold a Public Hearing before deciding to make the position appointed or leaving it an elected position.

Chairman Chappell noted that a Public Hearing would need to be held extremely soon because the deadline to introduce local legislation in the House is February 27, 2007.

Commissioner Guice stated the majority of the citizens in our community have said they thought this ought to be an appointed position.

The Manager clarified that the \$102,000 savings came from personnel savings. We are not paying a tax collector position and after combining both offices we no longer needed the part-time positions as well. Commissioner Phillips noted he believes some of the savings still could have been achieved through cross-training.

Commissioner Bullock said he realizes we've had a Public Hearing on this before but it was held before the departments were combined. He wants to communicate with the citizens and give the public a chance to understand the changes that have taken place. Commissioner Hogsed agreed with Commissioner Bullock and wants to give the public every opportunity to share their concerns and feelings with us.

Chairman Chappell asked David Reid to comment.

David Reid stated that he believes this is a political decision that the Commissioners need to make. He said he has a first class relationship with his staff and will respect the decision made by the Commissioners.

Chairman Chappell welcomed public comments.

Barbara Johnson, a citizen, agrees with having another Public Hearing for people to be able to ask questions about how these savings were arrived at. She asked why the same savings could not occur with an elected Tax Collector.

James Keenan, a citizen, believes this has the appearance of being pushed through.

David Reid commented that an elected official has to be bonded and that dealing with people's money is a serious matter. He said an elected official may find ways to save money in this department but thinks it would be very difficult to come up with the same number that they did.

Commissioner Guice asked Mr. Reid if he recalled a time when staff from the elected official's office offered assistance to his office. Mr. Reid stated that had not occurred but he would've welcomed any assistance.

John Huggins, a citizen, asked why couldn't that position be combined the other way into an elected position and have that position serve as both those offices. Chairman Chappell responded saying the Commissioners' responsibility is to appoint the Tax Assessor.

Commissioner Guice said the Tax Assessor's position requires certain qualifications. To run for an elected office, one must be at least 21 years old and be registered to vote in that county and those are really the only qualifications.

Commissioner Bullock moved that we hold a Public Hearing one week from tonight to address the combining of the Tax Collector and the Tax Assessor at 7:00 p.m., seconded by Commissioner Hogsed.

The Chairman asked for discussion on the motion.

Commissioners Guice and Hogsed asked for clarification on whether the Board would be voting on the issue following the Public Hearing.

Chairman Chappell stated we would hold for the purpose of discussing the Tax Collector position with possible action taken by the Board of Commissioners following the Public Hearing.

The motion was unanimously approved.

Chairman Chappell asked the Manager to advertise the meeting appropriately.

REVIEW OF PROPOSED SPACE ALLOCATIONS

The Manager prepared a PowerPoint Presentation to address some of the proposed spaced needs in the county. He noted there have been questions concerning some of the buildings that would become available when the new Public Safety Facility was complete.

The number one priority identified in the space needs study dealt with the courthouse. There is a need for an additional courtroom, additional space for the Clerk of Court, District Attorney and Public Defender, and security. He noted that building a new courthouse would cost millions of dollars.

The Manager showed the Facilities Space Needs Flow Diagram. He stated that the Commissioners have already approved for us to proceed with moving County Administration to the old Library. The architect is currently finalizing the drawings. Recently the Commissioners approved the renovation of the 3rd floor of the Social Services building to make room for the expansion of the Health Department.

In 2009 the Public Safety Facility will be complete. At that point, the old sheriff's department and the detention facility will be vacant. The Manager said the presentation will explain how the county plans to utilize these buildings and alleviate space needs in the courthouse.

Renovation of the Old Library:

- Move administration to the old library, freeing up space for new courtroom
- Construction drawings are 40% complete

- Bid documents completed by March
- Start construction in May or June
- Completion in November or December 2007

The Manager stated that the renovated library would provide space for the Finance Department, Administration, the Board of Commissioners, Personnel, County Manager, and Transportation. It would also have a multi-purpose room for Commissioner meetings and other meetings. The lower level would house the Project Manager and provide space for building drawings.

Renovate Administration Building:

- Process just starting
- Add additional courtroom
- Better security

The Manager stated there have been two Ad Hoc Committee meetings to address the immediate security needs in the courthouse. He added that when inmates are brought up from the jail, they enter and exit the courthouse through the exact same door our citizens do. By adding an additional courtroom in the Administration building, inmates would not have the ability to communicate with the citizens.

Renovate Old Sheriff's Building:

- In 2009, the Public Safety Facility should be completed
- Renovate and move Tax Collector/Tax Assessor and Register of Deeds Offices to old Sheriff's Building
- Removes a significant number of citizens out of the court environment
- Gives much needed space for Tax Collector/Tax Assessor and Register of Deeds
- Frees up 31 parking spaces at the courthouse

Renovate 3rd Floor DSS for Health Department:

- Preliminary plans approved
- Architect to start construction drawings and go out to bid
- Possibly complete by Spring 2008

Renovate Courthouse Space Vacated by Tax Collector/Tax Assessor and Register of Deeds:

- Additional space for Clerk of Court
- Additional space for District Attorney
- Space for Conference Rooms
- Should put off need for new courthouse for 15-20 years

Renovate Old Law Enforcement Center:

- Approximately 9,000 square feet
- Move Board of Elections and possibly Building Permitting and Environmental Health to renovated space

The Manager noted that he had not met with the Board of Elections, Building Permitting or Environmental Health regarding this proposal.

Board of Elections Building:

- Move Planning and Economic Development to this space

Summary:

- All existing buildings are needed to meet county space needs
- Moving ahead with the renovation of the old library is key to making the plan work

Commissioner Bullock stated he realizes the importance of an additional courtroom and courthouse security. He is concerned that after adding the additional courtroom in the Administration Building that the County would then have two buildings to secure. The Manager responded saying there would be a single point of entry in which citizens would enter through a metal detector. Commissioner Guice added that the plan would be to reconfigure the entrance way and connect the two buildings so the security would not be separate.

Commissioner Hogsed asked the Manager how the Administration Building would be laid out and if we could address the space needs for the District Attorney. The Manager said the Administration Building would have a new courtroom, a holding cell for inmates, judges' chambers, restrooms, etc. He noted that we have just started the process but we would be looking at how to maximize the space.

Chairman Chappell stated that courthouse security has always been a concern for him and we've been fortunate that we haven't had a terrible incident. We can no longer delay addressing these issues. We need to make sure our employees and our citizens feel safe when they come into the courthouse.

The Manager noted that recently we had four fights at the courthouse in one day. The Sheriff provided the Commissioners with some of those statistics but not all incidents are reported. Fights are becoming more frequent and citizens that are in the courthouse for non-related court activities get caught in the middle of them. Some of the things the County can do are move these citizens out of this environment, address the security issues and create one point of entry. The Manager's concern is that we're going to bring someone up from jail and that person is going to be killed before ever making it to the courtroom because inmates are entering the courthouse in the same manner as the citizens. Commissioner Guice added that loitering has become a problem in the courthouse. He stated that if the Commissioners adopt this plan, they'd be putting forth steps that will progressively deal with the County's space needs and address security issues.

Commissioner Hogsed asked the Manager if the small courtroom will continue to be used. The Manager said the small courtroom would still be used therefore we would be operating three courtrooms. Commissioner Hogsed also asked what the plans were for

911. The Manager stated that they would move to the Public Safety Facility. They are currently located in the basement of the Sheriff's office. After the building is vacated, the basement would be converted into a conference room, a break room and storage areas.

Commissioner Phillips said he is glad the County is finally addressing the security issues at the courthouse. He is concerned about the cost of renovations to the old library and that the chance may be lost to use the old library for something else if Administration moves into it. He suggested an option may be to wait another year until the Sheriff's Building becomes available and move Administration into that building.

Commissioner Guice stated that we're going to spend money to renovate these buildings regardless. He added that the cost to replace the courthouse would be enormous and if we can save the taxpayers money and not have to address the issue of replacing the courthouse for 15 to 20 years, then that is a tremendous savings. He stated that someone suggested we rent space for Administration. Renting would be fairly expensive and in addition to that the Commissioners voted several years ago to get out of the rental business. The County currently rents space for Maintenance and for Probation/Parole and that is money going down the drain.

Commissioner Bullock asked what it would cost to renovate all of these buildings. Commissioner Guice responded saying funding has already been set aside for the renovation of the old Library and the Administration Building. The Manager added that monies have also been set aside for the renovation of the Health Department. The plan put forth this evening was a conceptual plan and at this time there are no monies set aside for the other projects. As we move forward, the Board of Commissioners will have to decide how to fund these capital projects.

Commissioner Guice moved to approve the conceptual plans and move ahead with finalizing plans for the old library, seconded by Chairman Chappell.

Chairman Chappell called for discussion.

Commissioner Hogsed said he realizes the need to move forward with building an additional courtroom in the Administration Building and addressing security issues but has concerns about moving Administration into the old Library. He thinks there are potentially some other options or routes that we could take but he does feel the need to address courthouse security immediately. He is not going to support this measure but he wants people to understand that he has a different view of how it should be approached because he realizes we need to move forward with courthouse security as soon as possible.

Commissioner Bullock asked if it would be inappropriate at this time to hear the Sheriff's presentation before voting on the motion. Commissioner Guice withdrew his motion.

Chairman Chappell called for a 10 minute recess at 8:20 p.m.

Chairman Chappell called the meeting back to order at 8:30 p.m. He announced that it has been requested that we go outside our agenda order and ask Sheriff Mahoney to come forth and make his presentation.

SECURITY MEASURES AT THE COURTHOUSE

Sheriff Mahoney asked Sergeant Jimmy Jones, Bailiff Supervisor, to give the Commissioners a brief overview of what one can expect on any given day or week at the courthouse.

Sergeant Jones said four court sessions are scheduled for this week with the dockets ranging from 140 cases to 349 cases which means there will be between 150 and 200 people in the courtroom on any one of those days. He added that some days the dockets are just as large for the small courtroom which only has 30 seats in it. There are only two officers assigned to the courthouse. Sergeant Jones added that they are waiting for the Governor to appoint a fourth judge to fill the vacancy that was created in District Court by the elevation of Mark Powell, the Senior Resident Superior Court Judge. Judge Cilley is going to start adding court dates when the new judge is appointed.

Sheriff Mahoney said it's easy to see when you mix this kind of people with our county and state employees and citizens you are obviously looking at a very serious potential disaster which is why the need to address courthouse security is so important.

The North Carolina Constitution says that the Sheriff will provide security in the courtroom for the Judge. The bailiffs can not do that if they are out patrolling the hallways and county offices. The major reason this ad hoc committee formed was to look at ways to improve the overall security of the courthouse. The Sheriff prepared informational packets for the Commissioners that include quotes from county and state employees that are in the courthouse every day of the week as well as his proposal. The Sheriff stated that it is important to realize that security is not any one thing. Security is made up of several components that we put together to create a more secure environment. He asked that the Commissioners keep in mind this is an all or nothing proposition and we are going to make this courthouse secure or we're not.

He noted the worst thing we can do is try to patch it together and give the appearance that the building is secure. His first recommendation is to make one point of entry and exit for the citizens and a separate entrance for employees. Citizens would pass through a security checkpoint with a metal detector manned by two volunteers during operating hours. The Sheriff said he would be asking for one full time sworn position to oversee that operation and respond to any problems and to patrol the halls and grounds of the courthouse. He also recommended moving the smoking area to Walker Park rather than the gazebo. Many of the fights they have seen recently have spilled out into the streets and onto the sidewalk and one case in front of a local business. Another component would be updating the distress button system to a wireless security system. They would install the distress buttons in each county office throughout the courthouse. The difference between this and the existing system is the existing system goes through a monitoring company. Through some testing that he and some of his staff have done, they

determined the dispatch time could be from 30 seconds to over 4 minutes. The new system would transmit directly over their radio frequencies within one second. If you couple that with officers being onsite during the hours of operation then you have a very immediate response to any security risk. He noted it is important that these security measures be in place full time. It would not be difficult for someone to come in at some other time and deposit a weapon or some other item, walk through the security checkpoint during operating hours, then retrieve that item and do a great deal of damage.

Chairman Chappell asked the Sheriff to mention for the citizens' benefit which doors would be locked. Sheriff Mahoney stated the recommendation is to make the door on the Main Street side of the courthouse an emergency exit only. It would also be the employee entrance for which they would have key card access. The main entry point for citizens would be the entrance from the parking lot.

The Manager added that in the short term, the recommendation is to create another exit from the downstairs lobby. The long term recommendation is for an additional courtroom in the Administration Building and making a central point of entry by connecting the two buildings.

Sheriff Mahoney added that his proposal includes a camera system that would be monitored at the security checkpoint by volunteers. In the Commissioners' packets he has outlined the estimated expense at \$51,500 which includes signage, metal detectors, the wireless security system and construction of the new entryway. He noted that this is a one time expense. The sworn position including benefits would cost \$36,700 annually, with vehicle maintenance and gasoline at \$2,000 annually, which he can and will absorb into his current budget.

Commissioner Phillips stated the addition of the security checkpoint may reduce the number of people coming into the courthouse. He asked the Sheriff to elaborate on this.

Sheriff Mahoney said people would be surprised at how many warrants they serve out of the courtroom every time court convenes. Those people that may have outstanding warrants are not going to risk coming through the security checkpoint.

Chairman Chappell asked what kind of time frame we are looking at to begin and complete this process. The Manager responded saying the County can move very quickly. Sheriff Mahoney added he can staff the position at the courthouse immediately. Commissioner Guice said the mere presence of an officer would address the loitering issues.

Rebecca Huggins, a citizen, requested to address the Board. She said she wasn't aware that Commissioners were going to be voting tonight on moving Administration to the old library. She believes there are other alternatives than using the old library. She also suggested, as far as courthouse security is concerned, to schedule court differently to alleviate some of the crowds. Ms. Huggins asked the Commissioners to table the decision because a lot of people would like to see the old library become a museum.

Chairman Chappell noted that the original motion has been withdrawn to allow the Sheriff to make his recommendation.

Commissioner Phillips moved to accept the Sheriff's recommendation as presented, seconded by Commissioner Bullock and approved unanimously.

Chairman Chappell stated the Commissioners have already elected to move Administration to the old library. Commissioner Guice added that this issue had been discussed for a long time. We had a study to identify space needs and it was clear early on that Commissioners were going to have to tackle some of these issues. The decision to move Administration to the old library has an impact on courthouse security. The Manager stated the County has contracted with Rich Worley to finish the construction drawings and begin the bid process.

Commissioner Phillips moved to revamp the conceptual plan deleting the old library from the plan at this time.

Commissioner Phillips clarified his motion saying there might be another use for the old library so we will delete the old library from the plan at this time.

Commissioner Bullock asked how much space the different departments need. He said he doesn't want to see departments crammed into offices but also doesn't want to see these buildings used for one or two things. Commissioner Guice added that the Commissioners have had an opportunity to take a tour of the county buildings. Commissioners had asked the Manager to begin a process to look at how the County can utilize these buildings after the Public Safety Facility is complete in 2009. He pointed out that the Commissioners already voted to move ahead with moving Administration to the old Library and we have been spending taxpayer dollars for architectural fees, etc. The Manager stated that Staff has been working with the different departments to define the amount of space needed and those needs were defined in the conceptual drawings.

Commissioner Hogsed moved that the Commissioners consider further options for the relocation of County Administration and move forward with the courthouse security plans, seconded by Commissioner Phillips.

Chairman Chappell asked if the motion is passed if all work currently being done on the old Library should stop. Commissioner Hogsed would like no more work to be done on the old Library if the motion passed. Commissioner Guice asked the Manager how much monies have been spent up to this point. The Manager responded saying between \$16,000 and \$20,000 has already been spent.

The motion passed 3 to 2.

Commissioner Guice asked that the record reflect those who voted for the motion and those who voted against the motion.

Commissioners Bullock, Hogsed and Phillips voted yes. Chairman Chappell and Commissioner Guice voted no.

FINANCIAL REPORT AND BUDGET TRANSFERS FOR FIRST HALF OF FY 06-07

Gay Poor addressed the Board to give a brief summary of the financial report for the first half of the year. As of December 31 General Fund revenues totaled \$23 million exceeding expenditures by \$6 million. The surplus is due mainly to the heavy property tax collections. Sales taxes are running 9.6% ahead of last year's levels and interest rates are averaging 1.5% more than the prior year. The application process has been initiated to draw down \$91,000 currently available from lottery proceeds out of the budgeted amount of \$288,000. \$150,000 is currently available in State ADM funds from the budgeted amount of \$230,000. Revenues from other sources such as fees, grants and governmental funding are lagging a little below budget at this time. They are expected to reach budgeted levels by the end of the Fiscal Year.

Expenditures from the General Fund for the first half of the year total \$17 million and represented 41% of the appropriated funds, which included \$425,000 spent on capital items and \$150,000 paid to PCNS Energy to help with the natural gas line extension to Excelsior. The \$150,000 was withdrawn from the reserve for Economic Development.

Through December revenues for the Landfill came to \$733,000, exceeding budget levels. So far, \$25,000 has been spent on engineering services for construction of the new cell.

Ms. Poor spoke briefly about the Self-Insurance Fund. Employee health insurance costs are recorded in this fund. Weekly claims are currently averaging more than last year and more than budgeted. In the past month there has been a decrease. Health insurance is difficult to predict. This year's budget, based on experience over the past couple of years is actually lower than last year's budget. She said this is a cost that will be monitored and closely.

During the first half of the year, the General Fund budget increased by \$795,000. Most of the increase is attributable to new grants and changes in state and federal funding. The two largest are the Economic Recovery Incubator grant worth \$396,000 and Crisis Housing Assistance Funds totaling \$294,000. Almost all this increase is due to the receipt of "pass-through" funds, meaning no local dollars are required.

Approximately \$259,000 was rolled over from the prior year for projects and purchases initiated in Fiscal Year 2006 but not completed until Fiscal Year 2007. The new voting machines accounted for the majority of this increase.

Another \$181,000 was appropriated from the fund balance, which included \$150,000 for the natural gas line extension and \$30,000 for Mental Healthcare transition.

The only other noteworthy change to the General Fund budget was actually a decrease. \$346,000 was deducted for work funded by a Division of Water Resources Grant and paid for in Fiscal Year 2006.

Commissioner Guice moved to approve the Financial Report and Budget Transfers, seconded by Commissioner Phillips and unanimously approved.

MARKET ADJUSTMENTS FOR EMPLOYEES

Personnel Director Sheila Cozart addressed the Board. In late January or early February, she brings the Board of Commissioners information for them to consider in reference to market adjustments, which is a portion of the county's compensation plan.

The compensation plan is made up of two separate components. One is the merit pay system by which employees are rated and receive an increase based on that rating system. In addition to that is the market adjustment which typically goes along with CPI, Consumer Price Index, and other factors in the community.

The most recent CPI information from December 2006 shows a growth average of 2.5% from December 2005 to December 2006. A comparison of the Southern States in areas with less than 50,000 shows the average increase is 4%. Surrounding counties gave an average increase, including merit pay, of 3.25%. Ms. Cozart is recommending a 2.5% market adjustment effective the first full pay period in February.

Commissioner Phillips moved to approve a 2.5% market adjustment effective the first full pay period in February, seconded by Commissioner Bullock.

Commissioner Guice stated the Commissioners would be doing less than their responsibility if they did not offer 3%. Ms. Cozart added that she would never bring a recommendation to the Board that she thought wasn't reasonable and she considers different factors in making her recommendation.

Commissioner Phillips withdrew his motion.

Commissioner Guice moved to offer the employees a 3% market adjustment effective the first full pay period in February, seconded by Commissioner Hogsed and unanimously approved.

COMMUNICATIONS TOWER

Emergency Services Director David McNeill addressed the Board to discuss a proposal to install and construct a 196 feet Communications Tower at the landfill site, specifically on Rocky Mountain. He said this subject came up more than a year ago when Rosman had some issues with communications poles that needed to be repaired or replaced. They started looking at what they could do to correct the problem and enhance communications in the area.

Mr. McNeill and Communications Director Kevin Shook met with Rosman Fire and Rescue to discuss their needs. In addition to the 911 communications issue in the Rosman Fire and Rescue district, there are cellular issues at that end of the county as well.

Reinstalling the poles did not enhance the 911 communications issue and did not address the cellular issues. The Emergency Services Staff provided two tower alternatives to the Board.

196 Feet Lattice Tower

- Costs \$178,640
- Could house up to 4 cell companies

Pros:

- Better coverage at greater height
- Can handle up to 4 cellular companies
- Has expansion capability
- Can link to county microwave system and provides wireless link to landfill

Cons:

- Costs more

Depending on the number of cellular companies that lease space, the pay back ranges from 2.5 years with four companies to 10 years with one company.

120 Foot Lattice Tower

- Costs \$109,111
- Could House up to 2 cell companies; however the cellular companies have not expressed an interest in the smaller tower

Pros:

- Costs less

Cons:

- Can only hold 2 cellular companies
- No growth potential
- Can not link to county microwave system

Depending on the number of cellular companies that lease space, the payback ranges from 3 years with two companies to 6 years with one company.

Their recommendation is to proceed with the 196 foot tower because it gives the county improved and enhanced communications and room for growth in the future. The cost of the tower includes the construction of the tower, access to the tower, power to the area and contingency.

Mr. McNeill stated there are monies in their Transition Account to utilize for such projects at this. \$35,000 would come from the Transition Account. \$143,640 would come from the Wireline Fund. Wireline Funds can be used for improving the 911 Center or the infrastructure for the 911 Center.

Commissioner Phillips moved to approve the recommendation for the tower, seconded by Commissioner Guice and unanimously approved.

MORATORIUM ON MASS GATHERINGS

The Manager stated Staff has been working on a revision of the current Mass Gathering Ordinance. He recommended the Board approve a Moratorium on Mass Gatherings until April 1, 2007 and allow time for public input on the revised ordinance.

Chairman Chappell moved to approve the Moratorium on Mass gatherings as stated in the information, seconded by Commissioner Hogsed, and unanimously approved.

REQUEST TO CHANGE NCGS 122C-118.1 STRUCTURE OF AREA BOARD

The Manager stated that the Legislature changed the terms of the members of the Local Management Entity (LME) from four (4) years to three (3) years and limited the terms of all members to two terms for six years. Previously a county commissioner could serve unlimited terms. When Western Highlands was formed all eight counties passed resolutions stating that effective January 1, 2004 they would have one representative denoted as a County Manager, Assistant County Manager or County Commissioner at the choosing of the County. Since the inception of the LME, county managers have been serving as the county representative. In a recent briefing by the Fiscal Research Division, one of the items highlighted was that there needs to be better oversight by the county government. By having a county manager or assistant county manager on the LME Board who understands finances gives the LME a better chance of acting fiscally responsible. In order for the counties to continue to have their choice as to who will serve as their representative the Manager asked the Commissioners to request Representative Walend and Senator Snow introduce legislation that would change NCGS 122C-118.1(d) to read "Any member of an area board who is a county commissioner or commissioner designee serves on the board in an ex officio capacity. The terms of the county commissioner or their designee on an area board are concurrent with their terms as county commissioners. The terms of the other members on the area board shall be for three years, except that upon initial formation of an area board one third shall be appointed for one year, one third for two years, and all remaining members for three years. Members other than a county commissioner or their designee shall not be appointed for more than two consecutive terms. Board members other than a county commissioner or their designee serving as of July 1, 2006 may remain on the board for one additional term."

Commissioner Phillips moved to approve resolution 36-07, seconded by Commissioner Bullock.

Chairman Chappell read Resolution 36-07 Request To Change NCGS 122C-118.1(d).

The motion was unanimously approved.

Resolution 36-07 attached as part of the minutes.

MEETING WITH THE BOARD OF EDUCATION

Commissioner Hogsed requested a joint meeting of the Board of Commissioners and the Board of Education in order for all Commissioners to have a full understanding of the school's needs and to discuss lottery funds.

After a brief discussion, **Commissioner Hogsed moved to have a full board meeting to start the proceedings between the Board of Commissioners and the School Board, seconded by Chairman Chappell and unanimously approved.**

PUBLIC COMMENT

Ms. Becky Huggins thanked Commissioners Bullock, Hogsed and Phillips for their motion on the space needs issue. She would like to see the old Library become a museum.

Mr. Marshall McCallie asked for clarification on the Moratorium on Mass Gatherings. Chairman Chappell explained that a mass gathering refers to groups larger than 300 people and that it does not apply within the city limits.

COMMISSIONERS' COMMENTS

There were no Commissioner comments.

There being no further business to come before the Board, **Commissioner Bullock moved to adjourn, seconded by Daryle Hogsed and unanimously carried.**

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board