

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 28, 2011 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, February 28, 2011 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Larry Chapman, Jason Chappell, Chairman Mike Hawkins, Daryle Hogsed, and Vice-Chairman Kelvin Phillips. Also present were County Manager Artie Wilson, County Attorney Curtis Potter, and Clerk to the Board Trisha Hogan.

Media: *The Transylvania Times* – Mark Todd

There were approximately 30 people in the audience.

CALL TO ORDER

Chairman Mike Hawkins presiding called the meeting to order at 7:05 p.m.

WELCOME

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

PUBLIC COMMENT

Debbie Holden: Ms. Holden discussed the importance of the New Adventure Learning Center to the community. She believes there is a lack of quality child care in Transylvania County. Ms. Holden said the lack of quality child care will drive families out of the County which will in turn affect the housing market, the school system and the overall economy of Transylvania County. She urged the Commissioners to invest in children because they are the future.

Gerry Hunsicker: Mr. Hunsicker thanked the Board for traveling to Raleigh last week to support stopping the reclassification of Boylston Creek. He said the comments made by representatives of the NC Department of Environment and Natural Resources did not support their rules on streams and waterways. He reminded Commissioners that the fight is not over. Commissioner Chapman announced there would be a debate on Tuesday at 2:00 p.m. and that the debate could be viewed online.

AGENDA MODIFICATIONS

The Manager requested to remove Item VI-A Board of Health under Appointments. Commissioners requested more time to review the applications.

Commissioner Hogsed moved to approve the revised Agenda, seconded by Commissioner Chapman and unanimously approved.

CONSENT AGENDA

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

02/28/2011

The following items were approved.

MINUTES

The minutes of the February 14, 2011 regular meeting were approved.

FACILITIES USE REQUESTS

The use of Silvermont by the Rosman High School Band for a fundraiser to send the Band to London in 2012 was approved. The fees were waived.

The use of Silvermont by Charlotte Works for a fundraiser for Sharing House was approved. The fees were waived.

DISCOVERY AND RELEASE REPORT

The Discovery and Release Report for January 2011 was approved.

PRESENTATIONS/RECOGNITIONS

AD HOC COMMITTEE REPORT ON CHILD DEVELOPMENT

Last summer the Manager appointed an ad hoc committee to address some issues facing Child Development. The Manager appointed the following members to the ad hoc committee:

1. Ray Miller, former County Commissioner, chair of committee
2. Laura Owen – Child Development
3. Gay Poor – Finance Director
4. Susan Miller – Center for Dialogue
5. Stoney Blevins – Director of Social Services

Ray Miller, chair of the committee, presented the committee's findings to Commissioners. The same report will be given to the parents of children in the New Adventure Learning Center on Tuesday at 6:00 p.m. in the Rogow Room at the Library.

Child Development became a County agency in 1974. At that time there were five sites in the County operated by Transylvania County Child Development. There were 165 children involved. In 1984 a decision was made to consolidate services at the present location of the New Adventure Learning Center (NALC). Transylvania County Child Development began to provide comprehensive services and resources to the private for-profit centers. At the same time, there were federal and State programs that were impacting childcare. As a result of various activities and the fact that over time some of the comprehensive services had been previously provided by Child Development, essentially Transylvania County Child Development no longer exists. What exists today is only the New Adventure Learning Center. The rest of the services and activities that were formally in Child Development are now being performed by other nonprofit organizations.

NALC currently provides childcare services which provide a safe, caring place for children. An important part of childcare is early childhood education which is an aspect of the component of the services provided at NALC that makes it so attractive to parents and is part of the primary reason there is a backlog of parents wanting to get their children into the program. NALC also provides developmental day services as required by its license. There are revenues and costs associated with all these services. The basic sources of revenues are contract services, federal and State subsidies, and private pay. Approximately 88% of the costs of operating NALC are related to personnel costs. The personnel costs are based on educational requirements in order to maintain a five star rating.

There are approximately 1,500 children age 0-5 in Transylvania County. About 63% are cared for at home or by other private arrangements. About 10% are in unlicensed half day centers, such as churches.

About 27% of children are in licensed childcare centers. There are 12 childcare programs in the County. Head Start, More-at-Four, and Developmental Day have enrollment restrictions. There are eight for-profit centers in the County. The for-profit centers and NALC are available to all parents through subsidies and private pay. There are approximately 120 children in the County who are considered private pay. NALC is the only developmental day center for special needs children. These 14 slots are under contract with the school system. State regulations say that there should be at least 50% typically developing children in the same classroom with the special needs children.

The committee was also charged with reviewing the Buncombe County model. Buncombe County no longer has an operational role in child development. It shifted its responsibility of the centers to other nonprofits. Buncombe County left its net investment on the table to invest in the overall childcare system which was almost \$5,000 per child.

There are services in the County that support child development. Smart Start receives funds from State and private sources and disburses funds to auxiliary services in the childcare arenas. Parent Resource and Referral is a regional service provided by Southwest Child Development. The Department of Social Services (DSS) administers federal and State subsidies to eligible families.

The current enrollment policy for NALC is open for all typically developing children. Waiting lists are kept by age in order of inquiry. There are approximately 135 children age 0-3 on the waiting list and there are 66 age 3-5 children on the waiting list. There is a large demand and a much greater waiting list than any of the other centers which is based on the perceived quality of the early childhood education program at NALC.

Mr. Miller offered alternatives for the Board to consider in order to reduce the County's subsidy from \$280,000 a year to \$100,000 a year:

- Continue NALC as County operation
- Transfer NALC to qualified nonprofit organization
- Follow Buncombe County model
- Transfer NALC from Social Services Board to School System

Mr. Miller noted the childcare system is complex. There are federal monies that flow down to the State, and State funds and other programs; however what is lacking is an organized effort to provide childcare for working families that do not qualify for these subsidies. Many families can not afford the cost of childcare and there are waiting lists for families trying to receive subsidies. Mr. Miller said it is very clear that there is value in early childhood education.

Mr. Chapman inquired about the impact of childcare on economic development and asked for input from the Economic Development Department in the near future.

Commissioners thanked Mr. Miller and the members of the ad hoc committee for the report.

OLD BUSINESS

TRANSPORTATION SECTION 5311 GRANT FY 2011-2012

Each year the NC Department of Transportation requires each county to submit a grant proposal for Section 5311 funds for the ensuing fiscal year. A required Public Hearing was held on February 14, 2011 at which there were no comments from the public. However, during the public comment period, Joan Lemire, a Transylvania County resident, commended the Transportation Department and the County for the services they provide.

Transportation Director Keith McCoy has prepared the grant application and is requesting funds totaling \$236,818. This total includes a 15% administrative and 10% capital match from the County totaling \$32,585.

Commissioner Chappell moved to approve the Section 5311 Grant Application, seconded by Commissioner Hogsed and unanimously approved.

PURCHASE OF JURY SEATING

At the previous meeting, Commissioners instructed staff to renegotiate the price of new jury chairs for the large courtroom with the vendor or seek other vendors. Staff contacted other vendors and received price quotes ranging from \$295.71 per chair to \$1,800 per chair. Many of the price quotes did not include the costs of shipping and installation. The original vendor agreed to give the County the sample chair and lowered their price \$68.08 per chair. The total price including shipping and installation is \$5,999.80. The chairs come with a lifetime warranty on the general structure and a three year warranty on the covering.

Commissioner Chapman moved to approve the purchase of 14 jury seats at a cost of \$5,999.80 with funds to come from the Court Facilities Reserve Fund, seconded by Commissioner Phillips and unanimously approved.

Commissioner Chappell moved to approve a Budget Amendment to move funds from the Court Facilities Reserve Fund to Court Facilities. The motion was seconded by Commissioner Chapman and unanimously approved.

NEW BUSINESS

SUPPORT CONNESTEE FIRE RESCUE INC.'S PURCHASE OF NEW TANKER

Connestee Fire Rescue, Inc. plans to replace their obsolete water tanker. The new water tanker will carry 3,000 gallons of water which is twice as much as the current tanker. The cost of the new tanker including the necessary equipment is \$335,000. The department plans to finance \$310,500 which will require an annual debt and interest payment of \$68,050.95. The department does not anticipate a fire tax increase in the Connestee Fire District. Transylvania County is not financially obligated should Connestee Fire Rescue, Inc. default on the loan. It was noted that Connestee Fire Rescue, Inc. plans to sell the old tanker.

Commissioner Hogsed moved to approve Resolution 06-11 with the understanding this will not require an increase in Connestee Fire Rescue Inc.'s fire tax rate. The motion was seconded by Commissioner Phillips and unanimously approved.

(Resolution 06-11 Resolution Approving the Financing By Connestee Fire Rescue, Inc. Of Up to \$312,000.00 for the 2011 Tanker Truck Project is hereby incorporated by reference and made a part of these minutes.)

CELL TOWER ATTACHMENT LICENSE

Conterra Ultra Broadband, LLC has proposed to provide backup capabilities for Verizon Wireless should the land line infrastructure become overloaded or interrupted. The equipment would operate similar to emergency radio operations in the County. Conterra Ultra Broadband, LLC would locate their equipment on the Rock Mountain tower at the landfill. They have agreed to install equipment of types and radio frequencies that will not cause interference to the tower's communications operations. Staff proposed to enter into a 5-year lease agreement with one renewal period at a base amount of \$3,600 per year and a 3% increase per year thereafter.

Commissioner Chappell moved to approve the Cell Tower Attachment License Agreement with Conterra Ultra Broadband, LLC, seconded by Commissioner Hogsed and unanimously approved.

REQUEST TO FILL DEPUTY REGISTER OF DEEDS POSITION

The Board of Commissioners enacted a temporary hiring freeze on January 13, 2011. The resolution includes a provision that allows for filling positions if exigent circumstances exist or if approved by the Board of Commissioners. A Deputy Register of Deeds position will become vacant March 11, 2011. Register of Deeds Cindy Ownbey requested authorization to fill the position as quickly as possible. She offered justification for filling the position immediately due to some upcoming training that is detrimental to her office. She emphasized that this position is being vacated and she is not asking for additional monies or personnel. Ms. Ownbey wants to continue providing services at the level currently being provided.

Commissioners discussed briefly the budget unknowns and how this position fits into the overall budget. Commissioners recommended considering the position after the two budget planning sessions.

Chairman Hawkins moved to consider this position during the upcoming planning workshops and then direct the Register of Deeds on whether she can move forward. The motion was seconded by Commissioner Chapman and unanimously approved.

CLOSE OUT OF THE PUBLIC SAFETY FACILITY PROJECT

The Board of Commissioners approved a budget ordinance for the Public Safety Facility on June 27, 2005 and a project budget of \$20,354,382 on December 10, 2007 after the bids were received. The final costs of the project totaled \$19,830,830.15, \$523,551.85 less than budgeted. The Manager noted that the project total includes \$60,000 for the construction of a sidewalk along Morris Road leading to the Public Safety Facility which will be constructed in 2011 and \$250,000 for storm water improvements that have yet to be complete. These monies have been set aside in separate accounts.

The Manager also noted that the actual budget ordinance should have indicated the cost of the purchase of the land on Morris Road which brings the total budget ordinance to \$22,600,164.78. Therefore, the total cost of the project was \$423,387.07 less than budgeted. \$423,387.07 will be transferred back to the general fund. The Manager thanked all staff who worked so hard on this project.

The Manager requested that Commissioners officially close out the Public Safety Facility project. The Finance Director will provide the necessary budget amendments at a future meeting.

Chairman Hawkins moved to authorize the close out of the Public Safety Facility Project at a total cost, including land, of \$22,076,612.93. The motion was seconded by Commissioner Chappell. The motion passed unanimously.

BUDGET AMENDMENTS

The Manager reported on the budget amendments and highlighted the following:

The County has a policy that allows an employee to cash out one week of vacation time in lieu of time off. The first budget amendment is for vacation cash-outs (\$75,157). The funds for this come out of the Reserve for Accrued Vacation.

The second budget amendment is to record funds received from Blue Cross Blue Shield of North Carolina (\$73,600) for the Health Department. There are no County funds involved.

The third budget amendment is to cover overtime expenses incurred in the Finance Office regarding EMS Billings. Two years ago the Board of Commissioners approved adding an additional position in the Finance Office but due to the economic downturn, the person was never hired. The workload is such that overtime is required to get the billing out and payments processed. Staff estimated that \$10,978 is needed to cover the overtime. The Finance Office also requested \$15,700 for interim audit fees for the new

auditor to cover interim work for the FY 2011 audit. Staff already paid for the FY 2010 audit in FY 2011. In addition the auditors have recommended a second actuarial study for the Law Enforcement Officers Pension Fund which will cost \$250. The total budget amendment for the Finance Office is \$26,928.

The fourth budget amendment is to cover the costs of the Maximus EMS cost report that was completed in FY 2010 but not billed until FY 2011.

Monies will come from the contingency line item, not the fund balance. This would leave a contingency balance of \$40,477.

Commissioner Chapman inquired about the Accrued Vacation Policy. The Manager reported that employees can carry up to six weeks of vacation. At the end of the year, any vacation above that amount is converted to sick leave or the employee can cash out one week of vacation. Sick leave counts towards years of service at retirement. The Manager noted that previous Boards set aside a cash reserve to cover the liabilities. The Manager also noted an instance when staff was unable to take vacation at the end of the year because of an unforeseen deadline associated with the QSCB bonds for the school system. Those staff members were unable to take vacation and therefore cashed out vacation in lieu of being able to take vacation. If this policy were not in place, those employees would have lost their vacation time. Commissioner Chapman requested to discuss this item further during the budget planning workshops.

Commissioner Chappell moved to approve the budget amendments, seconded by Commissioner Phillips and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

1. Staff is moving forward with the bid process for the renovation of the old Sheriff's Office and a new Animal Shelter.
2. The Oaks is willing to work with the County in regards to storm water issues from the Public Safety Facility.
3. NC Senator Jim Davis has invited Commissioners and the Manager to a meeting on March 19 in Franklin. He wants to hear from local officials about potential State cuts that could affect county governments.
4. The Manager congratulated those that planned and participated in the opening event for the 150th celebration. The event was very successful. The Manager noted that UNC-TV will be airing a piece on the County on Wednesday. There are numerous events scheduled throughout the year.

PUBLIC COMMENT

Don Surette: Mr. Surette commented about the 150th opening event and joked that the Board should authorize the Manager to purchase a new rope for the Courthouse bell since it broke while ringing the bell after the ceremony.

COMMISSIONERS' COMMENTS

Commissioner Chapman reminded citizens of the importance of becoming involved with their County government and communicating what is important to them. He commented that the cuts in the State and federal government will impact the County's budget.

Commissioner Hogsed congratulated Don Surette and Gerry Hunsicker for leading the charge against the reclassification of Boylston Creek.

Commissioner Chappell thanked the Board and members of the public for understanding why he could not attend the opening event of the 150th celebration. He also offered his prayers to those in the school system and to the family of Mrs. Anderson who suddenly passed away.

Commissioner Chapman announced that the environmental clean up of the old Ecusta property is scheduled to be complete by the end of the year which is good for economic development in Transylvania County.

ADJOURNMENT

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board