

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**May 22, 2017 – REGULAR MEETING**

The Board of Commissioners of Transylvania County met in regular session on Monday, May 22, 2017 at 7:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC.

Commissioners present were Chairman Larry Chapman, Jason Chappell, Mike Hawkins, Vice-Chairwoman Page Lemel, and Kelvin Phillips. Also present were County Manager Jaime Laughter, County Attorney Misti Bass, and Clerk to the Board Trisha Hogan.

There was no media present.

There were approximately 30 people in the audience.

**CALL TO ORDER**

Chairman Larry Chapman presiding declared a quorum was present and called the meeting to order at 7:01 p.m.

**WELCOME**

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

**PUBLIC COMMENT**

There were no comments from the public.

**AGENDA MODIFICATIONS**

There were no agenda modifications.

**Commissioner Lemel moved to approve the agenda, seconded by Commissioner Chappell and unanimously approved.**

**CONSENT AGENDA**

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

The following items were approved:

MINUTES

The Board of Commissioners met jointly with the Board of Education on April 24, 2017 followed by a regular business meeting. The minutes were approved as submitted.

DISCOVERY, RELEASE & MONTHLY SETTLEMENT REPORT

The April 2017 Discovery, Release and Monthly Settlement Report was approved as submitted. There were no tax dollars released. Refunds totaled \$840.40.

### SCHEDULE PUBLIC HEARING ON FY 2017-18 BUDGET

A public hearing on the FY 2017-18 Budget was scheduled for Tuesday, June 13, 2017 at 9:00 a.m. The Clerk to the Board was instructed to advertise and post notice accordingly.

### **PRESENTATIONS/RECOGNITIONS**

#### PRESENTATION OF NC WORKS CERTIFIED WORK READY COMMUNITY CERTIFICATE

At the April 11, 2017 Board of Commissioners' meeting, the Manager announced during her Manager's Report that Transylvania County had received official notification of its status as a NC Works Certified Work Ready Community. Since then the County received its framed certificate and she presented it to Commissioners. A formal ceremony was held at Blue Ridge Community College and the major stakeholders were present to receive recognition. Commissioner Chappell was instrumental in this effort through his work with Blue Ridge Community College. He offered a few brief comments on the process and stated why this designation is important to Transylvania County.

Commissioner Chappell reported that Transylvania County and its partners were recognized by the North Carolina Chamber of Commerce Foundation as achieving its certified ACT Work Ready Community status. He expressed appreciation to Commissioner Hawkins for being supportive of this effort when it was first brought to his attention about two years ago. The word about this opportunity generated excitement and attracted several partners. A leadership team was formed that included representatives from County government, Blue Ridge Community College, Workforce Development Board, NC Works Career Center, Chamber of Commerce, Transylvania County Schools, private employers, etc. and they developed an application for submittal. The American College Testing group administers the assessments and establishes goals for each county for what it takes to achieve certification. At the time of application, Transylvania County had already met most of the goals. The leadership team refiled the application several times after meeting established goals and when criteria changed. Transylvania County was eventually recognized as meeting all the goals and became the first county in Western North Carolina west of McDowell County to become certified.

Being a certified Work Ready Community shows potential employers that we have a trained and viable workforce to offer in order for their businesses to be successful. Commissioner Chappell pointed out this is a tremendous marketing tool and shows that Transylvania County is special. He thanked everyone for their participation in making the effort a success. Lastly, he reported that there are requirements that must be met to maintain certification and he intends to bring back recommendations to the Board periodically.

### **APPOINTMENTS**

#### JOINT HISTORIC PRESERVATION COMMISSION

The terms of Jeffrey Mills and Lauren Wise will expire at the end of May. Both are eligible to serve another term; however, Mr. Wise does not wish to seek another term. There are also two vacant positions. Rick Lasater resigned due to a scheduling conflict. Betty Sherrill has been unable to attend meetings on a regular basis for various reasons. In addition to Mr. Mills' application, there are four other applications on file.

**Commissioner Lemel moved to reappoint Jeffrey Mills to another term, seconded by Commissioner Chappell and approved unanimously.**

**Commissioner Lemel moved to appoint Rebecca Suddeth to fill the vacancy representing Rosman, seconded by Commissioner Hawkins and unanimously approved.**

**Commissioner Lemel moved to appoint Melanie Spreen to fill one of the Brevard vacancies. The motion was seconded by Commissioner Chappell.** Commissioner Lemel pointed out Ms. Spreen has a very impressive resume and the County is fortunate to have her serving on this council. **The motion was unanimously approved.**

**Commissioner Phillips moved to appoint Morris Davis, seconded by Commissioner Lemel and unanimously approved.**

#### TRANSPORTATION ADVISORY COMMITTEE

The terms of Mac Morrow, Jimmy Whitmire and Craig Burghardt will expire at the end of May. Mac Morrow has served more than two full terms, but he has requested a waiver of term limits and to be reappointed to another term, if Commissioners so choose. Jimmy Whitmire is the Town of Rosman's representative. He is eligible and willing to serve another term and the Town of Rosman has recommended his reappointment. Craig Burghardt does not wish to serve another term although he is eligible. In addition, the City of Brevard's representative is vacant. Their appointment to the Transportation Advisory Committee is pending. There are two additional applications on file.

**Commissioner Lemel moved to reappoint Jimmy Whitmire as the Town of Rosman's representative to the Transportation Advisory Committee, seconded by Commissioner Phillips and unanimously approved.**

**Commissioner Lemel moved to appoint Mark Tooley and Keith Wilmot to fill the two member-at-large positions. The motion was seconded by Commissioner Hawkins.** Commissioner Lemel stated that Mr. Tooley's involvement with the Transylvania Economic Alliance will help to link the efforts of both economic development and transportation priorities. In addition, Mr. Wilmot has tremendous experience with our road system through his role at the School System. Commissioner Hawkins pointed out Mr. Morrow is not eligible for reappointment by the Board of Commissioners, but he may serve as the City of Brevard's representative if City Council so chooses. Commissioner Chappell agreed, and stated that as a practice the Board has made an effort not to waive term limits if eligible applications were on file unless there was a very compelling reason. He stated it is important to continue this practice and to allow opportunities for others to serve. **The motion was approved unanimously.**

#### BOARD OF HEALTH

There are three vacancies on the Board of Health. NC General Statute 130A-35 establishes the membership requirements for local boards of health. The three vacancies are: Dentist, Optometrist, and General Public. Through numerous advertisements and other recruitment efforts, the Clerk has received several applications. Health Director Elaine Russell has reviewed all applications and offered her recommendations for appointment.

**Commissioner Lemel moved to appoint:**

- 1. Stacey Gash to fill the Dentist position,**
- 2. Jim Lyday to fill the Optometrist position, and**
- 3. Chaka Roberts to fill the member-at-large position.**

**The motion was seconded by Commissioner Phillips.** Commissioner Chappell requested that staff continue to advertise for the Dentist position until such time that a licensed dentist that resides in Transylvania County makes application. Commissioner Lemel expressed her excitement about the appointment of Chaka Roberts. As an employee with Hendersonville Pediatrics, she is very much in tune with children's health, so she will be a tremendous asset on the Board of Health. **The motion was approved unanimously.**

## NEW BUSINESS

### RFP FOR TRANSPORTATION SERVICES

Management Analyst and Interim Transportation Director Jonathan Griffin presented this item. He reported that beginning in December 2016, in the wake of significant staff turnover in the Transportation Department, County Administration opted to undertake a broad evaluation of the best method to provide community transportation services in Transylvania County, as well as determining the feasibility of out-of-county transportation options for citizens, especially for those that need to travel to neighboring counties for medical treatment.

This process advanced simultaneously along two different courses of action. On the first track, staff undertook a restructuring effort on the administrative side of the Transportation Office, most noticeable being the recommendation for an eliminated position being included in the Manager's FY 2018 Budget recommendation. Secondly, staff moved forward with a solicitation for proposals for qualified third party organizations to potentially take over the operations of the transit system. This potential contract would have taken the form of an organization absorbing the day-to-day functions of operating the system while County staff would continue to oversee applying for grant funding to subsidize the system's cost and managing the contract with this new organization.

The request for proposal (RP) process yielded a single proposal from Western Carolina Community Action, Inc. While the qualifications and experience of the firm were outstanding, staff identified several concerns in the proposal's staffing plan and pricing. After a careful review, staff determined that these issues could not be addressed in contract negotiation. Staff recommended that the Board of Commissioners formally reject all bids.

With this recommendation, Mr. Griffin advised the Board that this does not mean regionalization is out of the question. There could be additional opportunities to continue reforming the transit system internally and then revisit the RFP and contract for service as regionalization becomes inevitable and unavoidable.

At the same time as the request for proposals timeline advanced, staff took steps to develop an alternative set of proposals to move transportation services forward and proposed a potential course of action internally that would address concerns.

They are as follows:

1. **Explore setting up a deviated fixed route service from Rosman to Brevard**

This different method of scheduling rides along the Hwy 64/280 corridor will reduce the need for the van fleet to spend the majority of operating hours in this area, freeing up those resources to be deployed elsewhere in the County.

2. **Implement a zone-based model for ride scheduling with Transylvania County**

Currently, the transit system operates purely as a demand response system. Transit users or their respective organizations reserve rides in advance. The department scheduled those rides based on driver availability. Under a zone-based system, rides would be scheduled based on the location of the rider rather than trying to work them into existing schedules. This should expand the ability to serve citizens who do not live on the current routes by shaking up those routes and in the longer term reduce administrative expenses as scheduling is currently handled by a part-time employee that would no longer be needed.

3. **Continue exploring ways to restore out-of-county transportation**

The above two options may free up van operations to go out-of-county and the next option should help to find the funding to restore out-of-county trips through a subcontractor.

4. **For the FY2019 Grant Application cycle, apply for more grants**

Currently, Transylvania County does not apply for all of the grants for which it is eligible. Beginning in August 2017, when the FY 2019 grant cycle begins, Transportation will apply for funding sources above and beyond the typical 5311 Administrative and Capital Grants.

5. **Evaluate discontinuing current Child Development transportation services**

The department operates one van whose sole purpose is to provide transportation to and from childcare facilities. Because of the size of the van and current scheduling method, the department is able to help only 12 children get to and from approximately three or four destinations. It is difficult logistically and Mr. Griffin concluded this service cannot be done any more efficiently. Time should be dedicated to determining whether there are organizations that might be a better fit for providing this service in the future.

6. **Re-evaluate returning to providing Medicaid non-emergency medical transportation through our transit system**

Currently, funding for this service is being debated in the NC General Assembly. Prior Transportation management opted out of participating in Medicaid transportation due to logistical and management issues presented by providing this service; however, justified this decision may have been at the time, Transylvania County is unusual in its peer group for not serving Medicaid clients through its local transportation system. The Transportation Department should explore coordinating with Social Services to returning to providing these trips. This is ultimately an opportunity to turn an expenditure on the Social Services side of the budget into revenue and additional funding for Transportation services.

7. **Transportation needs to better advertise its services**

Currently, the department does not adequately promote itself despite advertising funding being made available annually in its grants. The department needs to develop a comprehensive plan to market its services to the community as a whole in an effort to increase ridership and ultimately bring in more fare revenue to offset the costs of the Transportation department.

Mr. Griffin restated staffs' recommendations as the following:

1. Formally reject all bids for transportation services that were received under the recent request for proposals, and
2. Endorse or offer feedback on the alternative methods of delivering transportation services to Transylvania County. (With the Board's approval, these proposals will be added to the annual work plan for FY 2018 for the Transportation Department.)

This concluded the presentation. Chairman Chapman called for comments and questions from Commissioners.

Commissioner Lemel inquired about the issue with the RFP with regards to the software upgrade. Mr. Griffin stated that in prior grant application cycles, Transportation County's ridership did not qualify us for receiving matching grant funds from the NC Department of Transportation to purchase new software. If the department were to move toward regionalization ahead of schedule, somewhat forcing the County to purchase new software itself, a boost in ridership could allow the department to upgrade and make

smoother the transition in the future. It offers an alternative way of moving toward this goal while making sure services being provided are within budget.

Commissioner Phillips asked if the department had considered advertising its services on the local cable channel. Mr. Griffin reported this is one of the areas he plans to explore in an effort to ensure the department is advertising its services in the correct way.

Commissioner Lemel expressed her appreciation for the depth of the analysis conducted by Mr. Griffin. The report included in the Board's agenda packet was very detailed. She commended Mr. Griffin for his ability to provide a fresh perspective on transportation services and for offering a historical account of the County's intended mission. His effort affords the department an opportunity to make efficiencies internally in preparation for a potential RFP for services in the future.

Commissioner Hawkins asked for additional explanation on the proposal to explore deviated fixed routes. Mr. Griffin explained that the department dedicates a van to chart a certain route, but someone with mobility issues might not be able to make it to a bus stop on this route. The department would then offer a deviation from the fixed route in order to pick up riders that cannot access bus stops.

Commissioner Lemel commented that the WCCA proposal to address transportation services was very impressive. She was grateful for the time and effort they put into their proposal. She expressed appreciation to WCCA for being a phenomenal partner on many different fronts throughout the County.

Chairman Chapman wanted to ensure there was no degradation of current services. He asked if any problems had occurred during the restructuring of the department. Mr. Griffin reported he had received no complaints from citizens about the quality of services being provided or any negative feedback from staff during his interim role as director.

**Commissioner Lemel moved to reject all bids for contracted county transportation services at this time, seconded by Commissioner Chappell and unanimously approved.**

#### BUDGET AMENDMENT-SHERIFF'S OFFICE

The Sheriff's Office is requesting the approval of a budget amendment to allow for the purchase of a tactical rescue vehicle. The Sheriff's Office obtained four quotes from three different vendors. The lowest quote obtained was from Alpine Armoring at \$245,000. The vehicle is available now and the total requested to cover the vehicle and highway use tax is \$252,000.

The Sheriff's Office is proposing to use revenues generated by housing inmates from other counties and the State Misdemeanant Confinement Program. There are not yet sufficient funds available to cover the cost of the tactical rescue vehicle at a total cost of \$252,000, but there would be sufficient funds with additional revenue expected for May and June as long as expenses not accounted for in the departmental expense projection are not incurred.

As of May 19, there is \$245,995 more revenue (including another April payment expected) than originally budgeted after deducting a pending \$55,000 budget amendment submitted to Finance to pay for additional inmate expenses and \$58,000 for switches at the jail (originally projected at \$82,000, but confirmed now at \$58,000). Projected end of year expenses for are expected to be close to budget except for the \$65,000 budgeted to be spent from equitable sharing revenue.

Sheriff David Mahoney made a presentation to the Board via Power Point, explaining the need for the tactical rescue vehicle and how it would benefit his office. This is a summary of the presentation:

### Department of Homeland Security's National Preparedness Goal Core Capabilities

- Prevention
- Protection
- Response

These tie in with Transylvania County's Strategic Plan, Goal 5, Strategy 5A: *Provide framework for prevention, response and recovery for individual and communitywide emergencies in Transylvania County.* Sheriff Mahoney feels that tactical rescue vehicle fits within this strategy.

### History of Request for Tactical Rescue Vehicle

- Sheriff's Office has had need for a tactical rescue vehicle since the early 2000's
- Early 2000's - Brevard Police Department acquired Armored Personnel Carrier (APC) from Law Enforcement Support Services for their tactical team to safely respond to high risk events
- Mid 2000's - Brevard Police Department loaned APC to Sheriff's Office Special Response Team to use during tactical operations
- Late 2000's - Sheriff's Office began looking for an alternative as the APC restricted deployment due to limited space
- Approximately three years ago, due to lack of space and mechanical problems, APC was returned to Law Enforcement Support Services by the Brevard Police Department
- Began to research alternatives, including using old ambulances, but this option is not efficient in terms of cost; followed up on lead that armored car companies donated used armored cars to law enforcement, but found this to not be factual
- Explored grant opportunities
- In 2016, Sheriff first requested to purchase a tactical rescue vehicle
- Another request to purchase the vehicle was made for FY 18 Budget

### Safety

- Safety of officers
- Safety of community
- Sheriff's Office Special Response Team has deployed into hostile environments in the back of a box truck and pickup truck which provide no protection for officers
- Tactical rescue vehicle protects officers so they can deploy safely and effectively
- Tactical rescue vehicle is armored, but has no weaponry

### Why the Need?

Article from PoliceOne.com on the six predictions on the future of SWAT:

*The future of SWAT (Special Weapons and Tactics) will be influenced by the tactics of the criminals and killers confronting law enforcement. Active shooters and killers are and will continue to be a driving force in the direction of SWAT. These people will continue to kill for many different reasons. One thing is certain: SWAT will play a major role in the response, no matter what the killer has in his or her mind at the time of the attack. Tactical rescue vehicles are an equipment extension for ballistic shields used for entries into buildings and for officer protection and safety!*

Sheriff Mahoney asked Detective Justin Bell to briefly share a couple of situations that occurred in Transylvania County. Detective Bell is one of the narcotics detectives in the Sheriff's Office. He is also an assistant team commander for the tactical team, as well as an instructor and regional evaluator for mass casualty training through Blue Ridge Community College. The incidents he described highlighted the need to have a tool like the tactical rescue vehicle. Fortunately, both incidents ended successfully, but he felt it was through luck. In both incident, the Sheriff's Office requested assistance from Henderson

County's tactical rescue vehicle. In one, it took four hours to get the vehicle in place; in the other, the vehicle was unavailable. (While Detective Bell was describing these events, Sheriff Mahoney passed around for the Commissioners' benefit, rounds of ammunition that have been used to threaten law enforcement in this community and that can penetrate officers' bullet proof vests.)

- In 2015, 22% of officers feloniously killed, were involved in tactical operations; this is up from 8% in 2014
- According to the FBI report on Law Enforcement Officers Killed and Assaulted, tactical situations ranked second in officers feloniously killed on duty
- Preliminary statistics released May 16, 2017 by the FBI show that 66 law enforcement officers were feloniously killed in 2016, an increase of 61% over 2015
- 76% of the tactical operations in Transylvania County over the past four years involved suspects with weapons
- The Sheriff's Office SRT has no means of deploying less lethal options without exposing officers to risk
- No means to safely evacuate officers or civilians from hostile environments
- No means to safely transport paramedics into hostile environment in order to administer lifesaving care
- Tactical rescue vehicle provides options to negotiate, evacuate and protect

#### A Rescue Vehicle

- Tactical rescue vehicle does not have any weapons; fitted with ballistic material; protective equipment
- Designed for safe deployment and evacuation of officers and medical personnel
- Built on a heavy-duty commercial truck chassis, fitted with rifle-resistant armor and a four-wheel drive system
- Designed to withstand small arms fire and small explosives to get wounded officers or civilians out of an area safely
- Can aid and assist getting officers safely in and out of hostile environments, getting parties in and out, or simply providing cover for officers

#### Summary

- Tactical rescue vehicle will help the Sheriff's Office face a new world of potential threats
- Extremely difficult, if not impossible, to respond to high risk incidents without this resource
- Area resources are not always available; when they are, there is typically an extended response time
- Violent crime nationwide is up 5.3%; according to the latest Uniformed Crime Report, there were 50,212 assaults on law enforcement
- According to FBI, tactical situations were the second highest incidents involving officers killed in the line of duty
- In the past three years, the Sheriff's Office tactical team has responded to 29 incidents where a tactical rescue vehicle would have been immediately deployed; does not take into account other incidents where the vehicle should have been deployed (equates to every five and half weeks)
- Tactical rescue vehicle provides much needed hard cover and fast and efficient officer transportation; provides mission-critical interior and exterior features and options that promote interoperability, and officer safety
- Civilian and officer protection is a key benefit of tactical rescue vehicles
- The funds to acquire the Tactical Rescue Vehicle are currently available at no cost to the Transylvania County taxpayer

- Original quote from Lenco for FY 17 was \$331,809; quote increased to \$334,046 for FY 18
- Sheriff's Office explored other vendors and options and has negotiated an updated quote of \$245,000 for a tactical rescue vehicle that will meet their needs; quote is \$100,000 less than Lenco quote; available for immediate purchase and pick up
- No other option available to provide ballistic protection for officers and the ability to use less lethal options

Sheriff Mahoney concluded his presentation. He said this is a great time to purchase an incredible and much needed vehicle at a much lower cost, hence his request to purchase the vehicle with funds generated by his department. He requested approval of the budget amendment as submitted.

The ensuing discussion was lengthy. Below is a brief summary of the discussion. (Q=Question, A=Answer, C=Comment)

Q. What is the average lifespan of the proposed vehicle? Does the vehicle come with a warranty?

A. Approximately 25 years. The warranty is for three years, 36,000 miles.

Q. If Commissioners provided the Sheriff's Office with a one-time \$252,000 increase, would this vehicle purchase be the top priority?

A. Yes.

Q. Does the vehicle use rubber tires and if so, what would happen if they were shot out?

A. Yes, but it is equipped with a RunFlat System. If all the tires failed, it is designed to remain operable.

Q. How many counties of like size in North Carolina have a tactical rescue vehicle or are in close proximity to another county that has a tactical rescue vehicle?

A. Unsure of the figures statewide. Many counties have invested in such a resource and are willing and loan it to neighboring counties when needed; however, those counties normally deploy their own people with the vehicle as well. This is understandable, but it creates a delay in response. Buncombe County has a tactical rescue vehicle. Henderson County owns one, but when Transylvania County has requested to use it, more than two thirds of the time it is either unavailable or delayed. Jackson County recently purchased a tactical rescue vehicle. Haywood County is working out a deal to purchase a vehicle with municipal jurisdictions within their county. Tactical rescue vehicles are becoming a more common piece of law enforcement equipment.

Q. With regards to borrowing a vehicle from neighboring counties, what is the best case scenario for having the vehicle ready to deploy?

A. If officers are available and ready, best case scenario is one and a half hours, assuming Sheriff can reach counterparts within the hour.

Q. The federal government has a program that makes various surplus military vehicles available to local law enforcement agencies at much lower costs. Has the Sheriff's Office explored this option?

A. Law Enforcement Support Services (LESS) is a wonderful program that has undergone many changes over the past few years. The most recent change is the type of equipment that is available. The Sheriff's Office has already explored this opportunity. There was no equipment available through LESS. The equipment they do have is not functional or trustworthy.

C. There are concerns by some Commissioners and citizens about the appearance of militarization of local enforcement. There is also concern that the deployment of tactical rescue vehicles may cause a situation to escalate.

A. This is common rhetoric, but it is far from the truth. Statistics show that most situations are resolved within moments of deploying a tactical rescue vehicle. The biggest reason is because of the options this vehicle affords law enforcement behind the cover of ballistic protection, as opposed to use of force.

Q. What are the anticipated annual maintenance costs? Are there local maintenance shops that can perform maintenance and any necessary repairs?

A. The vehicle is a F550 pickup truck and can be maintained by the City garage or local Ford dealership.

Q. How can the Board of Commissioners justify this expense? Is this the best use of \$252,000?

A. This year the Sheriff's Office has exceeded its budgeted revenue. These funds are not Transylvania County taxpayer dollars, but funds generated through various programs at the Sheriff's Office. It seems logical to purchase the vehicle with funds from other counties whose inmates Transylvania County has been housing for years.

C. The State Misdemeanant Confinement Program is a great program. One issue lost in this discussion is that Transylvania County taxpayers paid for the facility in which these inmates are housed. There are some very large expenditures on the horizon (schools, courthouse, etc.) and these funds could have been funneled back through the budget to help meet those needs.

A. For three years the Sheriff has been requesting some sort of revenue sharing to help cover the cost of unexpected items, or items such as this tactical rescue vehicle.

C. The Sheriff's Office has indicated that a tactical rescue vehicle is the top need for his department. He has found a unique opportunity to purchase a vehicle at a discounted price and it is available for purchase and delivery now so this is a time sensitive issue. In addition, revenues in the Sheriff's Office have exceeded budget.

**Commissioner Chappell moved to approve the budget amendment for the tactical rescue vehicle for purchase now and refund Fund Balance with May and June revenues. The motion was seconded by Commissioner Lemel.** Commissioner Hawkins reported that he had never heard of the federal government surplus program until just a couple of days ago. He researched the program prior to tonight's meeting and shared an article with Commissioners from Fremont, Nebraska, from which he read an excerpt, about their law enforcement department obtaining surplus vehicles from the federal government for tactical use and for hundreds of thousands of dollars less. Because he is unsure if this option has been fully explored, he stated he will not support the budget amendment or the purchase of the tactical rescue vehicle at this meeting. Commissioner Hawkins also commented that the difference in quotes is related to a difference in the type of vehicle being sought. Furthermore, he did feel a time pressure to make a decision at this meeting because he did not feel there was demand to purchase the vehicle on which the Sheriff has received the quote. Sheriff Mahoney stated he is very familiar with the federal government surplus program because the City of Brevard acquired vehicles in this manner. The vehicles they acquired had mechanical problems and were not as advertised. In addition, the MRAP Chairman Chapman referred to is so heavy that it would not be able to cross some of the bridges in the County. Sheriff Mahoney candidly stated that this program is useless because in his experience the equipment has been in a state of disrepair and inoperable. He said for the benefit of the Board, he is willing to explore further to determine what the wait time might be for tactical rescue vehicles. Chairman Chapman agreed that he would like to see more information about this program before moving forward. Sheriff Mahoney pointed out that the federal program indicates there could be a wait time ranging from three months to three years. He stressed that his officers face dangers every day and having to wait up to three years for a chance at a piece of equipment is unreasonable to him. He asked the Board of Commissioners to trust that he knows what he is talking about with regards to law enforcement. Commissioner Hawkins said he

understands there is a need; he just wants to ensure that the best decision is made while balancing the safety of officers and citizens with the Board's fiduciary responsibilities. Sheriff Mahoney stated his office has explored the federal government surplus option as recently as two months ago and that the recommendation put forth by his office is the best solution. Commissioner Lemel said she understands that the purchase of a tactical rescue vehicle has been a priority for the Sheriff for a few years and it was difficult for him when it was removed from the recommended budget. Last year's request was much more costly. She commended the Sheriff on his effort to recommend something more palatable in terms of price. She believes the Sheriff's request is worthy of the Board's consideration being that it has been a priority for so long. Commissioner Lemel said this issue also opens up opportunities for discussion on revenue sharing, although the Sheriff's Office is not the only office with the ability to generate revenue. She expressed support for the Sheriff's request, but said she hopes discussions about revenue sharing will take place sooner in the budget process so it can be looked at in the global context of all departments. Commissioner Lemel also pointed out that many of the issues officers deal with involve involuntary commitments and other mental health issues and that mental health remains a crisis in this community. Commissioner Hawkins reiterated that he will not support the motion at this meeting, but he is still open to examining the matter based on the answers he gets to the questions he posed this evening. **The motion failed by a vote of 3 to 2, with Chairman Chapman and Commissioners Hawkins and Phillips voting against.**

#### BUDGET AMENDMENT-COMMUNICATIONS

Communications Director Kevin Shook presented the following budget amendment for approval:

- #77: \$221,069 from the restricted fund balance in the Emergency Telephone System Fund to purchase equipment to up-fit the required 911 Backup Center which must be operational by June 30, 2017.

The requirements are set forth by the 911 Board under NC General Statute 62A. The 911 Board has been developing administrative code for the past three years and passed the final version on June 30, 2016. The code states that every primary PSAP in the State of North Carolina must have a backup center operational and they must meet all requirements. Transylvania County faces a unique situation that makes us different from every other PSAP in the State. Transylvania County is the only county in North Carolina that has one telephone company that is not part of the old Bell system. Mr. Shook has worked with the 911 Board, their consultants and our vendors to develop a plan that is agreeable to everyone and meets the needs of Transylvania County. Because of the uniqueness of Transylvania County's situation, the issue has remained fluid, and is the reason it is now coming before the Board for approval.

The funds come from revenues generated by the 911 Fund. The State provides the funds to counties and their use is strictly mandated. It requires a separate and lengthy audit by Mr. Shook and Finance Director to ensure compliance. Mr. Shook assured Commissioners that the County's use of these funds is thoroughly vetted prior to bringing forth a recommendation. In addition, if the County does not spend these funds, the 911 Board penalizes counties by reducing funding in future years.

If approved, this amendment will increase the FY 17 Emergency Telephone System Fund budget to a total of \$645,756 and reduce the fund balance to \$71,614.

**Commissioner Phillips moved to approve the requested budget amendment. The motion was seconded by Commissioner Lemel.** Commissioner Chappell asked what the penalty will be if the backup PSAP is not operational by June 30. Mr. Shook informed that the 911 Board will take away the County's 911 funds. Chairman Chapman asked how much time this buys the County. Mr. Shook responded two to three years because there is pending administrative code that will mandate requirements on staffing, training, etc. Commissioner Hawkins clarified that the fund balance is the restricted fund

balance for the emergency telephone system. Mr. Shook confirmed and added that it remains within the 20% allowed to be carried over for emergencies. The plan would be to build up the fund balance to pay for upcoming expenditures. **The motion was approved unanimously.**

**REQUEST FROM TOWN OF ROSMAN-FUNDS TO COMPLETE WORK AT CHAMPION PARK & POOL**

The Manager reported that Transylvania County deeded Champion Park and Pool to the Town of Rosman in February 2016 and the County's remaining FY 16 operating funds were granted to the Town so they could begin operations the same year. Both entities entered into a three year agreement whereby the County would grant the Town \$50,000 for operating expenses. The Board of Commissioners also allocated \$20,000 in capital funds to the Town to make improvements to the pool which was added to \$50,000 received in federal USDA grant funds, a \$21,000 contribution from the Town of Rosman, and additional funds raised.

The Town of Rosman completed several improvements to the facility. Mayor Brian Shelton detailed the extensive work that was done. He reported that upon review of the parking area, the Town felt it was necessary to expand the parking lot for aesthetics and functionality. This resulted in additional parking spaces for them as well as for anyone attending sporting events at the School System's ball field. Unfortunately, this increased their costs by nearly \$18,000 more than they received in USDA and County grant funds.

Mayor Shelton reported that total attendance for a partial season last year was 4,203 people and on some days the daily attendance exceeded 200. The average daily attendance was 108/day. He stressed that the Town attempted to make the best use of County dollars. Much of the work was done by citizens in the community. People donated hundreds of hours along with supplies and equipment to ensure the facility was suitable and operational. Although it was the Town's decision to make additional improvements over and above funds received, Mayor Shelton appreciated any additional funds the County was willing to commit.

**Commissioner Lemel moved to approve the request from the Town of Rosman for \$16,000 to cover the cost of paving at Champion Park and Pool. The motion was seconded by Commissioner Phillips.** Commissioner Phillips commended Mayor Shelton and the Town of Rosman for the extensive amount of work done to improve this facility. Mayor Shelton said he hopes the improvements will cause the facility to last another 5-10 years. Commissioner Hawkins asked if the Town intends to stripe and add curbing to the parking lot. Mayor Shelton reported that the Town is paying for the striping, but could not afford curbing at this time. The Town intends to install posts with cables to prevent people from parking in the grass. **The motion was approved unanimously.**

**FIRE/RESCUE RESPONSE DISTRICT INSIDE SYLVAN VALLEY 2 SERVICE DISTRICT**

This item was first presented to Commissioners during the budget workshop on May 15 as a possible solution to issues within the Sylvan Valley 2 Fire District. The Manager reported that staff identified opportunities to address immediate concerns primarily in the northeast section of the Sylvan Valley 2 Fire District; those concerns being response times, insurance rating and overall operational efficiency. Staff recommended the Board of Commissioners approve the establishment of three Response (Insurance) Districts within the Sylvan Valley 2 Fire Service District and contract with Brevard, North Transylvania and Little River Fire Departments for the provision of services within each respective district. The proposed maps were included in the Commissioners' agenda packets. Meeting attendees were able to see the maps as well during this presentation which was done via PowerPoint.

With the proposed Response Districts, the following insurance rates are anticipated:

- Sylvan Valley 2-Brevard

- Current insurance rate 5
  - Insurance rate after change 5
- Sylvan Valley 2-Little River
  - Current insurance rate 5
  - Insurance rate after change 6
  - It should be noted that the large majority of properties in the new response district is residential and does not benefit from an insurance class below 6
- Sylvan Valley 2-North Transylvania
  - Current insurance rate 5/9E
  - Insurance rate after change 5
  - Those properties currently rated 9E will assume the insurance rating of 5

The approval of these changes will:

- Result in shorter response mileages and response times
- Eliminate the need for removal of a privately held train trestle on Davidson River Road
  - Identified by the City of Brevard as a top priority for resolution due to safety concerns
- Reduce the insurance rate for some homeowners in the Sylvan Valley 2-North Transylvania Fire Response District because the properties will be located within the five-mile response rated district for North Transylvania Fire Department
- Eliminate the need for a sub-station for Brevard Fire to service the affected area

Staff also recommended a fire tax rate in the Sylvan Valley 2 District of \$0.0550/\$100 valuation. The rate will provide funding for all three contract agencies and support future strategies to improve fire protection in other areas within the Sylvan Valley 2 Fire Service District. The City of Brevard funding would be held harmless for a period of one year. Previously the County negotiated only with the City of Brevard for coverage in this district and the budget was split based on the percentage split of property valuation. The Manager will ask Commissioners to approve the fire district tax rates with the overall FY 2018 Budget for Transylvania County at a meeting in June.

The Manager restated that staff recommended the approval of the newly established response districts and that staff be instructed to contract with Brevard, Little River and North Transylvania Fire Departments.

**Commissioner Lemel moved to approve the newly established response districts and to instruct staff to contract with the City of Brevard, Little River Fire and North Transylvania Fire to meet the needs of the redrawn maps. The motion was seconded by Commissioner Chappell.**

Commissioner Chappell asked if for some reason that contract negotiations cannot be reached with these departments that staff bring back a different proposal for Commissioners to consider. Commissioner Hawkins clarified that the new contracts will reflect the additional effort in cost required by the departments to cover the additional territory. The Manager responded in the affirmative to both Commissioners. The caveat is that the County would have up to \$15,000 collectively between the two new response districts to purchase equipment which would be vetted through staff. **The motion was approved unanimously.**

#### MANAGER'S REPORT

- Announced rededication of the campus flag pole to 9/11 Responders on County campus
  - To occur on Saturday following Memorial Day Ceremony downtown
- June 11 is Waterfall Media Safety Day in an effort to promote safety
- New County website is live; kudos to Dean Landreth and his team in IT; press release to go out this week
- Kudos to Management Analyst Jonathan Griffin

- Earned MPA from UNC Chapel Hill Graduate
- Kudos to Elections Director Tracie Fisher
  - Elected President of Elections District One

### PUBLIC COMMENT

David Morrow: Mr. Morrow addressed the Board regarding surplus military equipment. He has been associated with such for about 50 years and has acquired several vehicles himself. He confirmed the Sheriff's concerns that the equipment is unreliable and extremely heavy. If there is concern about the appearance of militarization of law enforcement, the MRAP contributes to that appearance. Mr. Morrow stated that the recommendation by the Sheriff is the best solution.

Robert Shular: Mr. Shular referred Commissioners to President Obama's Executive Order #13688 which was an attempt to demilitarize local law enforcement agencies. Mr. Shular reported he has been in law enforcement for 27 years and has been in the back of a maintenance box truck during raids on drug houses and search warrants on armed suspects. To him, the tactical rescue vehicle recommended by the Sheriff is much needed. He said there have been situations over the years in which law enforcement officers could have used deadly force, but chose not to because that is not the reason these men and women chose law enforcement as their profession. Officers want options to deescalate situations and this vehicle provides that. He asked the Board to reconsider Sheriff Mahoney's proposal.

Jimmy Jones: Mr. Jones is retired from the Sheriff's Office with 31 years of service. He agreed with previous speaker's comments. With regards to the concerns over the militarization of law enforcement, he pointed out that criminals are using military grade tactics against law enforcement and others. For this reason, it is important for law enforcement to say one step ahead of them.

### COMMISSIONERS' COMMENTS

Chairman Chapman invited everyone to attend the Memorial Day ceremony at the Courthouse. It is being organized by American Legion Post 88. The parade will begin at 9:00 a.m., followed by the ceremony. The rededication of the flag pole on the County's campus will convene after the ceremony. He reminded everyone of this solemn time to pay tribute to those who made the ultimate sacrifice so that we may enjoy the freedoms that we do today.

### ADJOURNMENT

There being no further business to come before the Board, **Commissioner Lemel moved to adjourn the meeting at 9:20 p.m., seconded by Commissioner Phillips and unanimously carried.**

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Larry L. Chapman, Chairman  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board