

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING May 19, 2008

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Larry G. Yoder, Chairman
 William L. Hammer, Vice-Chairman
 Wes Bolick
 Harold M. Odom
 W. Darrell Robertson

STAFF: Rick French, County Manager
 Jamie M. Starnes, Clerk to the Board

MEDIA: Micah Henry, The Taylorsville Times

The Alexander County Board of Commissioners held a regular meeting on Monday, May 19, 2008 in the Catawba Valley Community College / Alexander Center Multipurpose Room, Taylorsville, North Carolina.

CALL TO ORDER

Chairman Yoder called the meeting to order at 6:00 PM.

INVOCATION & PLEDGE OF ALLEGIANCE

Commissioner Bolick gave the invocation and also led the Pledge of Allegiance to the Flag.

*****SPECIAL RECOGNITIONS*****

The following were recognized:

Piedmont Fiberglass

David Icenhour, Economic Development Director, announced that Piedmont Fiberglass would be relocating its manufacturing facility to the former Kincaid Furniture building at the intersection of Highway 90 and Lewittes Road. He stated that Piedmont Fiberglass currently employed approximately 50 individuals at its Mooresville location and was committed to the creation of at least 25 new jobs following the move to Alexander County. The County applied for and received a \$250,000 grant from the Rural Center to

assist in building renovations at the facility. Mr. Icenhour introduced Doug and Angela Caudle, owners of Piedmont Fiberglass.

Mr. Caudle gave a brief slideshow presentation that included information related to the company's history, products, customers, and workforce. He mentioned that Piedmont Fiberglass manufactured church steeples, baptismal pools, boat parts, and a few other materials which shipped to all 50 states and 6 countries.

The Board thanked Mr. & Mrs. Caudle for choosing Alexander County.

Summer Reading Program

Melissa Hager, Children's Librarian, presented a video to promote the 2008 Summer Reading Program. She stated that reading only 15 minutes each day would allow students to retain their reading skills over the summer. Ms. Hager announced that students could sign up for the program until June 13, 2008, noting that they should start tracking time spent reading from June 15th until August 1, 2008. An opening ceremony will be held on June 16th at the ACHS cafeteria and the finale is scheduled for August 2, 2008.

Ms. Hager reported that 817 students joined the program last year. She thanked Kathy Riddle for her help and edits to the video.

COMMISSIONER'S REPORT

Commissioner Hammer stated that the Alexander County Map Book Project, which recently won the 2007 NCACC Outstanding County Program Award, was featured on the front page of *County Lines*.

ADOPTION OF AGENDA

Chairman Yoder requested the addition of appointments to the DSS Board and the Commissioner's Task Force during Agenda Item #7 (Board Appointments & Reappointments).

Commissioner Odom made a motion to adopt the agenda as amended. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: DISCUSSION OF FUTURE JAIL & LAW ENFORCEMENT CENTER LOCATION

Chairman Yoder began by thanking the members of the Jail Committee for their dedication through the process of selecting sites and determining the best design for the future needs of the county. Members of the committee include Clerk of Court Seth Chapman, Sheriff Hayden Bentley, Judge Kim Taylor, Judge Dale Graham, County Attorney Robert Campbell, County

Manager Rick French, Commissioners William Hammer and Darrell Robertson, and the late Town Commissioner Bob Phillips. He also introduced Jack Hemphill, Jail Project Architect.

Mr. Hemphill explained that he had worked with the Jail Committee for over a year in developing future jail needs, inmate population projections, location sites, and associated costs. He discussed each of the two sites in detail, explaining that both facilities would include capacity for 150 inmate beds for both males and females. Mr. Hemphill provided the following details for each site:

Downtown Site (Courthouse) - \$10,634,087

- Estimate includes construction of the jail facility and law enforcement center, kitchen, laundry, area of refuge, demolition of old Dayton property, a retaining wall, and renovations to the courthouse including HVAC updates.
- Estimate does not include relocation of staff in current offices from the Resource Center, Juvenile Justice/Project Challenge, Probation/Parole, Garage, and Red Cross nor does it include operational and personnel costs.
- Project will require the closing of both 1st Street and 2nd Street.
- Less room for future expansion.
- More impact on traffic and merchants during construction phase.
- Loss of approximately 75 parking spaces near and around the courthouse area.

Remote Site (Behind Juvenile Detention Center on Highway 16 S) - \$10,214,783

- Estimate includes construction of the jail facility and law enforcement center, kitchen, laundry, and area of refuge as well as renovations to the courthouse for ADA compliant restrooms, HVAC updates, and a sally port.
- Estimate does not include costs of transporting inmates from the courthouse to the remote site jail or operational and personnel costs.
- No limitation to future expansion.

Chairman Yoder called the public hearing to order and requested any public comment. The following comments were heard:

Public Comment / Board Response

George Holleman, Town Commissioner, inquired about future expansion of the new jail facility and the possibility of expanding vertically. Mr. Hemphill stated that a vertical expansion would be necessary if the downtown site was chosen, however noting that vertical construction was very expensive.

Mr. Hemphill also noted that, based on inmate population projections, a 150-bed facility would be adequate for Alexander County until 2023 unless the federal government revised immigration laws that would affect the sentencing of illegal immigrants. In that case, a 150-bed facility would only be adequate for 8 to 10 years after completion.

Norris Kever asked how long the cost savings from constructing the jail facility at the remote site (approximately \$419,000) would last if used to pay the salaries of employees given the task of transporting inmates from the current courthouse to a remote jail site. Rick French, County Manager, replied that those costs were yet to be determined but noted that two employees would be needed for transport and that a van would have to be purchased. He stated that he could easily investigate those numbers because most new jail facilities were constructed on remote sites.

In response to Mr. Kever's comments, Mark Sharpe stated that the \$419,000 cost savings by constructing the jail at the remote site would equal approximately 27,000 man hours at current salary figures, or several years' salary for two employees to transport inmates. He also discussed the current parking problem downtown, noting that the reduction of 75 parking spaces would only increase the problem. Other items mentioned were the loss of revenue from rent paid to the County from Probation/Parole offices currently housed in the old Dayton property and the addition of a training room being proposed in the plans for the remote site facility. Mr. Sharpe felt the remote site location was the better choice for the County's budget.

George Holleman informed the Board that the Town Commissioners and Town Mayor were in agreement to close 1st Street and 2nd Street, after a public hearing was held, to support the downtown site if chosen.

Randall Guynes asked, in the case that the remote site was chosen, if the sally port planned for the existing courthouse would spill over into 1st Street. Mr. Hemphill explained that the sally port would not obstruct 1st Street, eliminating the need for the street to be closed. Mr. Guynes also thanked Mr. Sharpe for the information he provided relating to salaries for transport employees; however, he pointed out that those positions would continue past what the cost savings would allow.

Benny Sharpe suggested relocating the area of refuge, laundry, and kitchen area to the vacant space behind the current attorney's office to eliminate the need to close 2nd Street. He felt this would allow for future horizontal expansion space. Mr. Hemphill explained that the area of refuge was required to be located 50 feet away from the jail facility but noted that Mr. Sharpe's suggestion could be studied.

Glenn Deal Jr. felt that \$10 million was too much for Alexander County to spend on a jail and that 150 beds were more than what was currently needed. He asked if a 75-bed facility could be constructed instead.

Commissioner Robertson explained that the Jail Committee had researched many different plans for the new jail and had determined that a 150-bed facility would match Alexander County's needs based on inmate population projections. He also pointed out that Sheriff Bentley and County Manager French had met with representatives from the Federal Marshall's Office about housing federal inmates at \$45 per day, or approximately \$475,000 per year, which would offset some of the capital costs associated with the new jail.

Commissioner Hammer stated that the Jail Committee had visited numerous jail facilities throughout the state, reiterating that the decision for a 150-bed facility was not made by the Board of Commissioners but by the Jail Committee. He also noted that many counties that had built smaller jails to save money had opened the new facility's doors at full capacity.

Danny Price asked how this project was going to be funded. Commissioner Robertson replied that proceeds from the ¼ cent sales tax approved by referendum on January 8, 2008, which would generate between \$475,000 and \$500,000 per year, would be used toward the architect's fees and initial costs to construct the jail. He explained that the County would have to borrow funds during the construction phase that would have to be paid back by a combination of sales and property taxes to complete the project and for operational costs. Commissioner Robertson stated that the Board hoped that the General Assembly would grant the County the authority to increase the sales tax once again so that property taxes would not have to be increased.

Chairman Yoder pointed out that the old Dayton property had been used for collateral when the prison property was purchased and that the financial note would not be paid off until June 2010. He stated that the County would have to pay the note off early before any demolition of the property could occur, at a cost of \$200,000.

Seth Chapman, Clerk of Court, discussed the risks associated with transporting inmates from the courthouse to a remote jail site for both the officers and the public.

Commissioner Bolick asked Mr. Chapman if he received regular complaints about the lack of parking in the courthouse area. Mr. Chapman replied that there had been many complaints.

Hayden Bentley, Sheriff, stated that he was in favor of the downtown site for security and convenience. He reiterated Mr. Chapman's comments about risks involved in transporting inmates and felt it would be more convenient for citizens to take care of all justice needs at one location. He also mentioned the old Dayton property and felt the building would eventually need to be demolished at some point. Mr. Bentley also pointed out, in response to Mark Sharpe's comments, that a training room would also be available at the downtown site.

Commissioner Hammer stated that violent criminals were already being transported to prisons throughout the state every day, including in Alexander County. He also stated that inmates could be held in a jail cell at the current courthouse on court days until his/her case was to be heard and then transported back to the remote site after court. Sheriff Bentley replied that jailers would be needed to guard those inmates while being held in a jail cell before court.

Glenn Deal Jr. addressed the parking issues mentioned by stating that someone would construct a public parking lot at some point in the future. He stated that he didn't believe

a jail should be constructed with the idea that space would be rented to federal prisoners and that the County should not build a jail of the future.

Commissioner Hammer again stated that the Jail Committee chose the design for a 150-bed facility based on inmate population projections. He also reiterated Mr. Hemphill's comments regarding the possible change in immigration laws that would affect inmate population.

Commissioner Bolick asked Seth Chapman when he thought a new courtroom would be needed. Mr. Chapman replied that he did not project the need for a new courtroom for another 10 to 15 years.

Commissioner Odom discussed the need for ADA compliant restrooms on the top floor of the courthouse and felt this needed to be addressed as soon as possible.

Seth Chapman officially stated that he was also in favor of the downtown site for reasons of convenience and tradition. He stated that the courthouse had stood in the same spot since the first one was built in 1901.

Mark Sharpe pointed out that the current jail was already over capacity when it was constructed in 1970. He urged the Board not to repeat the same mistake this time.

Jack Lerner, Town Commissioner, responded to Glenn Deal Jr.'s suggestion to only construct a 75-bed facility. He stated that the County could construct the 150-bed jail today for \$10 million; however, he noted that reducing the project to 75 beds and waiting to upgrade the facility at a later date could cost the County and taxpayers up to three times the price.

Commissioner Hammer pointed out that the \$10 million did not include costs to permanently relocate offices and the Garage currently located in the old Dayton property, which could cost approximately \$100,000 more per year for lease payments, utilities, etc., and he noted that the County would lose approximately \$4,800 in revenue per year generated from rent paid by Probation/Parole. He explained that the County and school system would not longer be able to hold their joint surplus property sales at the old Dayton property parking lot. Commissioner Hammer also mentioned that the County currently purchased meals for inmates from the Department of Corrections for \$2.14 each, which could possibly eliminate the need to construct a kitchen.

At this time, Commissioner Bolick exited the meeting. The time was 7:50 PM.

Commissioner Robertson agreed that the kitchen could be an alternate to the initial design of the facility.

Commissioner Odom felt the kitchen needed to be constructed as planned, stating that the County had no guarantee that the Department of Corrections would continue its contract

for inmate meals. He stated that constructing the kitchen at a later date would cost the County more money as building supplies and fuel increased.

There being no further comment, Commissioner Robertson made a motion to close the public hearing. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

Chairman Yoder thanked everyone for attending and providing comments during the public hearing and stated that the Board would continue to request sales tax increases from the General Assembly to keep property taxes as low as possible. Chairman Yoder also suggested a second public hearing be held at the June 16, 2008 Commissioners' Meeting.

SHORT RECESS

Chairman Yoder requested a short recess following the closing of the public hearing which began at 8:05 PM. The meeting reconvened at 8:11 PM.

PUBLIC HEARING: ALEXANDER COUNTY CDBG PROGRAM

Nancy Coley, WPCOG Community Development Administrator, informed the Board that North Carolina received approximately \$45 million in CDBG funds each year for which local governments could apply for various activities that benefited low to moderate income persons with severe needs. She stated that two public hearings must be held to receive public comment on any project and noted that this was the first public hearing for 2008 projects. Ms. Coley stated that local governments could receive funding from the following categories:

Community Revitalization projects use CDBG-funded activities to revitalize a residential area or two residential sub-areas through improvements, preservation, or development. Applicants may request up to \$850,000 for a basic grant for housing rehabilitation and one other severe need such as water, sewer, drainage, or streets and up to \$1 million for an innovative activity. Applications will be accepted until August 29, 2008.

Scattered Site Rehabilitation grants are made on a non-competitive basis to each county every three years to improve the housing conditions of very low income households with incomes at or below 50% of area median income. Alexander County is eligible to receive \$400,000. Applications will be accepted until July 31, 2008.

Infrastructure grants are to improve the quality of life in a residential area or in a local government's jurisdiction by using CDBG funds to eliminate severe water and wastewater (sewer) problems with health and environmental consequences. Activities include the installation of public water or sewer lines, the replacement of public water or sewer lines or appurtenances, and improvement to water or sewer treatment plants that have specific problems. Because Alexander County has been designated as a 21st

Century Community, no local match funds are required. The maximum grant amount is \$750,000 and will be accepted until August 29, 2008.

Infrastructure Hook-Up grants are designed to enable eligible local governments with existing public water and/or sewer lines to connect low or moderate income households to non-funded CDBG lines. The maximum grant amount is \$75,000 and the program will open its window from August 25 to December 1, 2008 or until funds are depleted.

Housing Development Tax Credit category is to support projects that create additional units of affordable housing for low and moderate income people. The maximum amount available per applicant is \$250,000 with a \$6,000 per unit maximum.

Housing Development also supports projects that create additional units of affordable housing for low and moderate income people. Eligible activities are installation of public infrastructure, removal of hazardous material, land acquisition, historic vacant building acquisition by a developer, and historic vacant building infrastructure. The maximum amount available per applicant is \$250,000 with a \$6,000 per unit maximum for multi-family projects and \$18,000 for single-family owner occupied units.

Capacity Building grants assist local non-profits in partnership with their local governments in developing appropriate and competitive projects. The maximum award is \$75,000.

Individual Development Account will provide funding to support home ownership for first-time homebuyers with low to moderate incomes. The maximum award is \$70,000 with \$1,000 in down payment assistance for each participant that completes the program.

Urgent Needs grants of up to \$600,000 are to be used to help assist local governments applying for CDBG funds related to drought conditions in the local government's jurisdiction. Urgent Needs grants are available on an as-needed basis.

Small Business & Entrepreneurial Assistance programs provide funding to local governments to develop a coordinated effort to stimulate growth within the existing small business/entrepreneurial sector and to aid in the development of an entrepreneurial environment. A total of \$25,000 is available for each job created. Applications are due by June 24, 2008.

Economic Development funds provide grants to local governments for creating and retaining jobs. These applications are received on a continuing basis. CDBG funds are granted for various types of infrastructure improvements to assist for-profit businesses create or retain jobs. Under certain conditions, financial assistance to private companies is available as loans to be negotiated by the local government applicant and a participating North Carolina commercial bank at a level not to exceed 50% of the total loan need. For public facilities, a 25% local match is required. The maximum amount of funds available per project is \$1 million.

Ms. Coley stated that local governments could not receive more than a total of \$1,250,000 in combined awards in one year; however, she noted that Scattered Site Housing funds received by counties was not included in the annual maximum.

Chairman Yoder called the public hearing to order and requested any public comment. There being no public comment, Commissioner Robertson made a motion to close the public hearing. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

VIPER PROJECT FUNDING

Russell Greene, Emergency Services Director, reviewed the NC Legislative Study created in 1995 and validated in 2002 that included examples of the lack of Voice Interoperability Plan for Emergency Responders or VIPER such as the air crash at Raleigh-Durham Airport in 1994, Hurricane Fran in 1996, Hurricane Floyd in 1999, and the Twin Towers in 2001.

He stated that the VIPER plan included 238 sites for statewide coverage, 99 of which were completed and on air. Of the remaining sites, 56 have been funded and are under construction and 83 have yet to be funded. VIPER is 41% complete with 24,000 users and 73 counties with some capability.

Mr. Greene explained that Alexander County had submitted a Public Safety Interoperability Communication grant application to get a few radios and expand the VIPER infrastructure to allow the state to pay the grant match. Alexander County will be receiving ten 800 mgh walkie talkies to be used by Emergency Services Agencies, a base station will be completed, and a portion of the request for a tower site will be included in the most recent grant application. He also announced that notification had been received that Alexander County's site would be funded through the grant process with \$440,000 from the Federal Department of Homeland Security with \$112,500 match from the state. These funds will be used to construct a VIPER site on Barrett's Mountain.

Chairman Yoder again reiterated that the state would provide the match for the grant. He stated that he had no problem with the VIPER system as long as no County funds would be obligated or required.

Commissioner Robertson made a motion to proceed with this project with the understanding that Alexander County will have the option to utilize tower space to connect to VIPER when needed. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

EMS WEEK PROCLAMATION

Chairman Yoder presented a proclamation to declare the week of May 18-24, 2008 as Emergency Medical Services Week. He urged the community to observe this week with appropriate programs, ceremonies, and activities.

He also requested the remembrance of the Rescue Squad members, nurses, and doctors that provided their time to the community.

Chairman Yoder made a motion to approve the proclamation declaring May 18-24, 2008 as EMS Week. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

2008 CODE UPDATES SEMINAR ANNOUNCEMENT

Chairman Yoder announced that a 2008 Codes Update Seminar would be presented by the Alexander County Inspections Department on Thursday, May 29, 2008. The meeting will be held at the CVCC / Alexander Center in Room 103 and is for all contractors. Topics to be discussed include recent and proposed code changes, most common inspection failures/violations, and a question and answer session.

BUDGET ORDINANCE AMENDMENTS #51 & #52

Rick French, County Manager, discussed the purpose of Budget Amendments #51 and #52, which included the following information:

Budget Amendment #51 – To increase the Animal Control budget due to a higher volume of animal adoptions than originally estimated. To increase the CVCC budget for equipment and labor costs to install 3 new phones and for monthly phone bills. To increase the budget for a transfer from the E911 fund after final 12/31/07 balances are calculated.

Budget Amendment #52 – To increase the budget for a transfer from the E911 fund after final 12/31/07 balances are calculated.

Commissioner Hammer made a motion to approve Budget Amendments #51 and #52. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

BOARD APPOINTMENTS & REAPPOINTMENTS

Commissioner Hammer presented the following appointments and reappointments to County boards and committees:

A. WORKFORCE DEVELOPMENT BOARD

Appoint Kelly Wright 2 years
Reappoint Karen Hoyle
Reappoint Sharon Turner

B. REGION E AGING ADVISORY COMMITTEE

Reappoint Angela Johnson 2 years
Reappoint Max Smith
Reappoint Nan Campbell

C. FUTURE FORWARD ECONOMIC ALLIANCE

Appoint Dwight Shook (replacing Dr. Librado Gonzales)

D. DSS BOARD

Appoint Darrell Robertson 3 years

E. COMMISSIONER'S TASK FORCE

Appoint Larry Yoder

Commissioner Hammer made a motion to approve the appointments and reappointments as presented. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

OTHER BUSINESS

Rick French, County Manager, discussed the following issues during Other Business:

- A. A bill has been introduced to repeal the land transfer tax option given to counties related to Medicaid relief.
- B. The public hearing on the 2008-2009 budget will be held on June 2, 2008. The first budget work session is scheduled for Tuesday, May 27, 2008 at 6:00 PM.
- C. The NC Employment Security Commission will be presenting Alexander County with an employer award during a luncheon on June 2, 2008.
- D. Staff received 9 community grant applications. A report will be given at the June 2, 2008 Commissioners' Meeting.

Commissioner Robertson made a motion to approve the County Manager's Report. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

CONSENT AGENDA

A. Minutes from the May 5, 2008 Regular Commissioners' Meeting.

Commissioner Hammer made a motion to approve the Consent Agenda. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

CLOSED SESSION – N.C.G.S. 143-318.11(a)(1, 4, 5, & 6) TO PREVENT THE DISCLOSURE OF CONFIDENTIAL INFORMATION, ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL

Chairman Yoder made a motion to enter into Closed Session at 8:45 PM to prevent the disclosure of confidential information and to discuss economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(1, 4, 5, & 6). Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

ADJOURNMENT

There being no further business, Commissioner Odom made a motion to adjourn at 8:52 PM. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

Larry G. Yoder, Chairman

Jamie M. Starnes, Clerk to the Board