

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING June 16, 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 Starnes, Clerk to the Board

MEDIA: Micah Henry, The Taylorsville Times

The Alexander County Board of Commissioners held a regular meeting on Monday, June 16, 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

Chairman Yoder gave the invocation and also led the Pledge of Allegiance to the Flag.

ADOPTION OF AGENDA

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

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

Jack Hemphill, Jail Architect, reviewed aspects of both the downtown site at the current courthouse and the remote site located behind the Juvenile Detention Center on Highway 16 South. He presented drawings of both facilities that included an overhead view showing the

separation of floors and offices, booking areas, inmate cells, etc. as well as side and front views of the structures.

He stated that the costs for both sites had changed slightly due to increases in fuel and metal prices and he presented an estimate of \$10,923,684 for the downtown site and \$10,436,210 for the remote site. He also pointed out that he had advised a contingency of 5% for the remote site and 7.5% for the downtown site that had also been added; however, he noted that the kitchen had been removed from the plans as an alternate that had reduced the estimates by 8%. It was also noted that these estimates did not include the relocation of offices currently located in the old Dayton property (downtown site) or transportation costs for transporting inmates from the courthouse (remote site), nor did it include operating costs.

Mr. Hemphill explained that the remote site would provide more room for future expansion and would not require the construction of a retaining wall to hide the facility from the public. He stated that cranes would be needed to lift and place materials at the downtown site during construction, requiring the closing of roads on occasion. He also noted that, if the remote site was chosen, renovations would still occur at the current courthouse to include a sally port and new entrance, new restrooms and an elevator to meet ADA standards, and updates to the HVAC system.

Several graphs relating to inmate population projections were viewed including Alexander County jail population from 2002-2006, future projections based on data/conditions and changes in immigration laws, and NC Department of Correction capacity versus population projections.

Comments from Officials

Robert Campbell, County Attorney and Jail Committee Member, discussed the inadequacy of the current jail that was constructed to hold 26 inmates and routinely housed 45-50 inmates, which created safety risks for inmates, jail staff, and the public. He stated that every county was required to provide a jail and that Alexander County had been informed by Superior Court Judge Michael Beale that steps needed to be taken to build a new jail or a court order could be issued against the commissioners.

Mr. Campbell urged the Board to construct a facility large enough to meet the county's need for 20 or more years and felt that 150 beds was sufficient. He also urged the Board to select the downtown site, noting that the old Dayton property was purchased for future expansion of the courthouse and jail and would eventually need to be torn down due to age and deterioration. He discussed the costs to transport inmates to a remote site and the security risks involved as well as the convenience of having inmates on-site for court proceedings.

Lynn Gullett, District Court Judge, stated that the judges in the area were grateful that a new jail facility was going to be constructed in Alexander County, noting that they would support either site chosen; however, she urged the Board to consider the downtown site. She discussed safety issues and inconvenience of transporting inmates from the courthouse to a remote site as well as the risk of accidents, escapes, and liability.

Hayden Bentley, Sheriff, also stated that he was in favor of the downtown site. He suggested a proposal to eliminate one of the female day rooms so that one female guard could operate the control room for both men and women inmates and eliminate the need for one male and one female guard. He pointed out that two additional employees would be needed to transport inmates to a remote site at a salary of \$27,000 each plus benefits per year. Mr. Bentley also provided minutes from the November 16, 1998 Commissioners' Meeting where the Board voted to purchase the old Dayton property. The minutes showed that Commissioner Robertson stated at that time that the property would be used for possible expansion of the jail and courthouse.

Seth Chapman, Clerk of Court, also stated that he would support whichever site was chosen by the Board but that he favored the downtown site. He discussed the convenience to the citizens of having all court related functions located in one centralized location and stated that the current jail would still have to be utilized if the remote site was chosen.

Comments from Commissioners

Commissioner Bolick asked Jack Hemphill if Sheriff Bentley's suggestion to remove one female day room was possible. Mr. Hemphill replied that it was; however, he noted that the plan would create a major change in the design and construction of the control room and would also affect contingencies. Commissioner Bolick also agreed with Robert Campbell that the jail needed to be constructed with the future inmate population in mind. He stated that he didn't want to cut the number of beds and force a future board to take on this same endeavor in another 10 years. He thanked the Board for holding two public hearings and mentioned that the site chosen would not be a political decision.

Commissioner Robertson thanked the members of the Jail Committee, stating that the committee considered jail facilities ranging from 75 to 200 beds and felt that, based on average population projections, a 150-bed facility would be adequate for next 15 to 20 years. He noted that any vacant beds could be provided to federal inmates as capacity increased. Commissioner Robertson indicated that the Board would consider convenience, security, and economics when choosing a site.

Commissioner Hammer asked Mr. Hemphill the percentage of jails that had been constructed on remote sites in his past experience. Mr. Hemphill stated that 7 of the last 10 jails he designed were built on remote sites – or 70%. Commissioner Hammer pointed out that the estimate for the downtown site did not include the relocation of the offices currently housed in the old Dayton property, nor did it include any type of lease payments that would be incurred to rent space for these offices. He stated that violent criminals were transported in this and every other county each day. He also noted that the demolition of the old Dayton property could result in additional costs up to \$1 million due to unforeseen issues, noting that \$1 million equaled 4 cents on the tax rate. Commissioner Hammer stated that the remote site would cost less and provide more room to expand in the future – for less money.

Commissioner Odom felt he needed to hear the public's wishes before he made a decision on a site. He stated that he had concerns with either site but wanted to make a decision he could live with. He noted that he was disappointed that there were not more citizens present tonight to speak on this issue.

Public Comment

Bryson McAlpin asked several questions regarding the proposed jail facility including:

1. What portions of the proposed facility were ordered by Judge Beale?
2. Due to the possible presence of hazardous waste from years of motor vehicle maintenance, have soil samples been taken from the old Dayton property as well as the remote site to determine suitability for the jail structure?
3. With the elimination of the kitchen as an alternate bid, is there a guarantee of the Department of Correction contract for meals?

Commissioner Robertson replied that the County would be mandated to construct a new jail facility as well as renovations at the courthouse to become ADA compliant. He also stated that soil samples had been taken from the old Dayton property but not from the remote site.

Sheriff Bentley replied that there had been no indication that the Department of Correction planned to discontinue the contract for inmate meals. Chairman Yoder asked Sheriff Bentley to negotiate a possible long-term contract with the Department of Correction for these meals.

Mr. McAlpin also stated that a secure storage area needed to be provided for the Sheriff's Department crime lab and boat and felt that the Board should consider the funding of other County services in this endeavor such as EMS and Sheriff's Department due to the increase in call volume. He stated that he was in favor of the downtown site with the elimination of one female day room, as recommended by Sheriff Bentley.

Danny Price asked if the current entrance to the Juvenile Detention Center off Highway 16 South would be used to enter the remote site jail facility or if the County would have to purchase additional property and obtain a right-of-way. Chairman Yoder informed Mr. Price that the County already had right-of-way and would use the current entrance.

Glenn Deal Jr. was in favor of the downtown site because it would be more convenient for staff and citizens and would eliminate the need for additional costs to transport inmates. He stated that he did not agree with the construction of a 150-bed "supersized jail" as well as the plan for beds to be provided for federal inmates. He mentioned that the population in Alexander County had not even doubled since 1972 and that an inmate population of 26 to 150 was a 577% increase.

There being no further 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.

At this time, Chairman Yoder requested the public hearing be reopened to allow for the presentation of a letter from Adams Funeral Home regarding the jail facility location.

Therefore, Commissioner Bolick made a motion to reopen the public hearing. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

Chairman Yoder read the letter from Adams Funeral Home representatives that requested the remote site be chosen. Reasons stated were that the *"downtown site would take away from the downtown appearance and add more congestion to the flow of traffic and add further problems with the lack of parking. It also would be located near a beautiful church, three banks, and a funeral home, thus taking away some serenity from worship services and funeral services."*

Commissioner Robertson made a motion to close the public hearing and to add the letter from Adams Funeral Home to the official minutes of this meeting. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

The Board thanked everyone for attending.

RESOLUTION APPROVING THE CONTINUING USE OF THE CONSTRUCTION & DEMOLITION LANDFILL

Josh Mitchell, Solid Waste Director, presented a Resolution Approving the Continuing Use of the Construction and Demolition Landfill. He explained that approval of the resolution would grant the continuing operation of the existing construction and demolition landfill at the current solid waste facility.

Mr. Mitchell also informed the Board that a public meeting regarding the construction and demolition landfill was held on June 6, 2008 where no negative feedback was received.

Commissioner Robertson requested the removal of the word "like" from the section stating *"the Construction and Demolition Landfill accepts construction and demolition like waste or inert materials, and"*.

Commissioner Robertson made a motion to approve the Resolution Approving the Continuing Use of the Construction and Demolition Landfill with the requested wording change. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

FOOTHILLS / SMOKY MOUNTAIN LME MERGER UPDATE

Don Pagett, Interim Area Director & CEO, discussed the merger between Foothills Mental Health and the Smoky Mountain Center, stating that NC General Statutes required an LME to serve 6 counties or a population of 206,000. When Burke County left, the LME no longer met

the population requirements, resulting in the need to merge with another entity. He explained that a committee was formed that conducted interviews and reviewed financial audits, policies, etc. of several LME's before deciding that the Smoky Mountain Center was the best fit for the area. The committee then made a recommendation to the full Foothills Mental Health Board and the merger was endorsed by the Boards of Commissioners from Alexander, Caldwell, and McDowell Counties.

He informed the Board that staff was in the process of transferring Foothills employees to positions within Smoky Mountain, noting that a main office would be located in Lenoir. He also mentioned that New River Behavioral was the current service provider and that they would also be hiring some of the Foothills staff.

Mr. Pagett announced that this change would provide for quicker turnaround on involuntary commitments for the Sheriff's Department.

ADOPTION OF 2008-2009 ALEXANDER COUNTY BUDGET ORDINANCE

Chairman Yoder presented the proposed 2008-2009 Alexander County Budget for consideration by the Board. He briefly reviewed portions of the budget, stating that there would be no property tax increase and that a 2 ½ % cost of living increase would be provided to County employees. Chairman Yoder also stated that the Board was working to find options other than property taxes to fund the construction and operation of the jail.

Commissioner Hammer thanked members of the Finance Committee consisting of Chairman Yoder, Commissioner Robertson, County Manager Rick French, and Finance Director Jennifer Herman for their many hours spent on preparing and reviewing the budget.

Commissioner Robertson also conveyed his appreciation to Mr. French and Ms. Herman.

Commissioner Odom made a motion to approve the 2008-2009 Alexander County Budget Ordinance as presented. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

BUDGET ORDINANCE AMENDMENTS #55 - #58

Rick French, County Manager, discussed the purpose of Budget Amendments #55 - #58, which included the following information:

Budget Amendment #55 – To increase the Garage budget for fuel cost increases (estimated amount needed for the remainder of 2007-2008). To increase the Sheriff's Department for salary and benefits (estimated amount needed for the remainder of 2007-2008). To increase the Court Facility budget for the use of the East Taylorsville Baptist Church bus and use of the Taylorsville Presbyterian Church fellowship hall for jurors from Davie County during the Stikeleather trial in April 2008. To increase the Fire /

Emergency Services budget for the VIPER equipment purchased on behalf of Alexander County by the state from Homeland Security grant funds. To increase the EMS budget for salary and benefits (estimated amount needed for the remainder of 2007-2008). To increase the Senior Center budget for additional Home and Community Block Grant funding for older adults.

Budget Amendment #56 – To budget for ADM replacement funds set aside for the school system due to the Medicaid / Sales Tax swap in 2007-2008.

Budget Amendment #57 – To budget for the school system's use of State Public School Building Capital Fund monies for FY 2002 projects that were omitted from the school system's request for reimbursement.

Budget Amendment #58 – To budget for Medicaid costs in excess of the amount budgeted (estimated amount needed for the remainder of 2007-2008).

Commissioner Hammer made a motion to approve Budget Amendments #55 - #58. 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. TOWN PLANNING BOARD OF ADJUSTMENTS

Reappoint Nancy Sharpe 2 years

B. JOINT NURSING & ADULT CARE COMMUNITY ADVISORY COMMITTEE

Appoint Eunice Carr 1 year

C. CRIMINAL JUSTICE PARTNERSHIP ADVISORY PROGRAM

Appoint Linda Graham to replace Christine Holt – term expires 2/2009

D. ALEXANDER TAX ASSESSOR

Reappoint Luther Stocks 4 years

E. ALEXANDER COUNTY TAX COLLECTOR

Reappoint Guy Kerley 4 years

Commissioner Hammer informed the Board that a replacement for Donald Robertson was needed on the Town Planning Board of Adjustments.

Commissioner Hammer made a motion to approve the appointments and reappointments as presented. Commissioner Bolick 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. The final Foothills Mental Health Board Meeting is scheduled for Thursday, June 26, 2008. All commissioners are invited to attend the short business meeting and dinner.
- B. County staff is planning a lunch cookout for the Transportation Department employees on Thursday, June 19, 2008. Commissioners are invited to attend.
- C. The reception honoring Western Piedmont Council of Governments retiring Director Doug Taylor is scheduled for June 24, 2008 from 4:00-6:00 PM at the Holiday Inn Select in Hickory.
- D. On July 25, 2008, there will be a bike race in downtown Taylorsville that will begin at 6:00 PM. There are some logistical concerns involved such as blocking traffic and the impact on Sheriff's Department and EMS.
- E. The reception / recognition honoring Albert Schneider will be held on June 23, 2006. The reception will be at 5:30 PM and our meeting will begin at 6:00 PM.
- F. Commissioner Bolick announced that Youth Works was back in town and were currently painting at the Cougar Stadium. He thanked St. Luke's Lutheran Church and Reformation Lutheran Church for their support of these kids.

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

CONSENT AGENDA

- A. Tax Release Requests for May \$2,866.31 and Tax Refund Requests for May \$1,633.50.
- B. Home and Community Care Block Grant FY 2009.
- C. Alexander County Government Motor Vehicles and Mobile Equipment Policy.
- D. Minutes from the May 27, 2008 Work Session and minutes from the June 2, 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 8:10 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 Bolick made a motion to adjourn at 8:30 PM. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

Larry G. Yoder, Chairman

Jamie M. Starnes, Clerk to the Board