

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
October 13, 2008 – REGULAR MEETING

The Board of Commissioners of Transylvania County met in regular session on Monday, October 13, 2008 at 7:00 p.m. in the large courtroom of the Transylvania County Courthouse.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, David Guice, Daryle Hogsed and Vice-Chairman Kelvin Phillips. Also present were County Manager Artie Wilson, County Attorney David Neumann and Clerk to the Board Trisha McLeod.

Media: *Transylvania Times* – Mark Todd

There were approximately 20 people in the audience.

CALL TO ORDER

Chairman Jason Chappell presiding called the meeting to order at 7:05 p.m.

WELCOME

Chairman Chappell welcomed everyone to the meeting and thanked the members of the audience for participating in their County government.

PUBLIC COMMENT

Don Surrette: Mr. Surrette lives on Sutton Creek Road in the Boylston Creek Watershed. He recently attended a public Hearing about the reclassification of Boylston Creek. He said the reclassification calls for very strict regulations. Mr. Surrette said it is his understanding that the public hearing was pointless because the reclassification will probably move forward unless the North Carolina Department of Environment and Natural Resources receives at least 10 letters opposing the reclassification. Mr. Surrette distributed a copy of an opposition letter to Commissioners and asked for their support.

The Manager noted that the deadline for public comments is November 14, 2008. Commissioner Guice suggested that Mr. Surrette also send a copy of his letter to Senator Tom Apodaca who represents Henderson County.

AGENDA MODIFICATIONS

There were no Agenda modifications.

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

CONSENT AGENDA

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

The following items were approved.

MINUTES

The Minutes of the September 22, 2008 regular meeting were approved.

FACILITIES USE REQUESTS

The use of Silvermont by Myra Davis for a bridal shower on Saturday, December 13, 2008 from 1:00 p.m. to 5:00 p.m. was approved.

PRESENTATIONS/RECOGNITION

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

The Manager reported that Transylvania County has been awarded the Certificate of Achievement in Financial Reporting for FY 2007. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management. Transylvania County is one of approximately thirty five counties in North Carolina that has applied for this award. The County has received this award for several years.

Chairman Chappell and Commissioners presented the award to Finance Director Gay Poor and thanked her and her staff for the work they do.

APPOINTMENTS

ECONOMIC DEVELOPMENT ADVISORY BOARD

Chairman Chappell nominated and moved to appoint Steve Owen to fill the unexpired term of Larry Van Antwerp, seconded by Commissioner Hogsed and unanimously approved.

BREVARD BOARD OF ADJUSTMENT & APPEAL

Commissioner Bullock moved to reappoint Fred McCrary to a subsequent term, seconded by Commissioner Phillips and unanimously approved.

TOURISM DEVELOPMENT AUTHORITY

Commissioner Guice nominated and moved to appoint Gregory Gorgone, seconded by Commissioner Phillips and unanimously approved.

OLD BUSINESS

RESOLUTION 35-08 SUPPORTING TRANSYLVANIA COUNTY'S INCLUSION IN A BILL AUTHORIZING THE COUNTY TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR TEACHERS, LAW ENFORCEMENT OFFICERS AND OTHER CRITICAL WORKFORCE EMPLOYEES

At the September 22, 2008 Board of Commissioners' meeting, Mr. Carroll Parker made a presentation regarding the formation of a Community Land Trust to provide affordable housing to teachers. Although the County does not have a specific housing project in mind at this time, if included in the bill being drafted for the Board of Education, the County would have the ability to construct and provide affordable housing to critical workforce personnel in the future if so desired.

Commissioner Hogsed moved to approve Resolution 35-08, seconded by Commissioner Bullock and unanimously approved.

(Resolution 35-08 is hereby incorporated by reference and made a part of these Minutes.)

NEW BUSINESS

REQUEST FROM LAKE TOXAWAY FIRE RESCUE

The Lake Toxaway Fire Rescue has submitted a request to access their reserve funds. Emergency Services Director David McNeill received the request from Lake Toxaway Fire Chief Duane Allen. They have experienced unexpected growth in their membership and are requesting access to their reserve funds to purchase gear to properly equip their members.

Chief Duane Allen said Lake Toxaway Fire Rescue has had an influx of 14 members in the last six months which was not originally budgeted for.

Commissioner Guice made a motion to authorize the release of \$24,022.65 in reserve funds to Lake Toxaway Fire Rescue, seconded by Commissioner Bullock and unanimously approved.

For the public's information, the Manager pointed out that these funds have already been reserved for the fire departments. They just have to ask for permission to release the funds.

PUBLIC COMMENT – THE WIRELESS ASSOCIATION WT DOCKET NO. 08-165

The Manager reported that the wireless industry has petitioned the Federal Communications Commission to clarify provisions of the Communications Act of 1934 to ensure timely siting review and to preempt state and local ordinances that classify all wireless siting proposals as requiring a variance. The Association of County Commissioners has asked counties to inform the Federal Communications Commission (FCC) that we do not support the effort to preempt local authority over cell tower decision making. The deadline for comments is October 14, 2008.

The proposed comments read as follows:

The Board of Commissioners of Transylvania County, North Carolina has reviewed the Petition for Declaratory Ruling by CTIA – The Wireless Association WT Docket No. 08-165 and does not support the effort to preempt local authority over cell tower decision making. We believe these decisions are best made at the local government level and these issues have already been resolved by North Carolina State Law. We respectfully request that the Wireless Association's petition be denied.

Commissioner Hogsed moved to authorize the comments be submitted to the FCC, seconded by Commissioner Phillips and unanimously approved.

RECORDS RETENTION POLICY

In a recent review of the County's Records Retention Policy, Staff found that the Board of Commissioners had not signed the Records Retention Schedule and Policy for the following offices: Tax Administration, Sheriff and County Management.

Commissioner Guice moved to approve the Records Retention Policy and Schedule for Tax Administration, Sheriff and County Management, seconded by Commissioner Hogsed and unanimously approved.

UPGRADE OF SOFTWARE FOR THE SHERIFF'S DEPARTMENT AND E911 SYSTEM

With the completion of the new Public Safety facility all telecommunications will come through the County Communications Department which requires that the current outdated software for the Sheriff's Department and the obsolete E911 System be updated to accommodate the flow of information between the two departments.

The Current E911 System was installed in 1992 and by all standards is deemed as obsolete. The telephony equipment is no longer in production and does not meet the current FCC, VOIP, APCO and NENA standards. Technology has changed significantly since 1992 with the advent of wireless communication. The current system is only capable of receiving and interpreting CAMA Data which has created significant problems in our ability to receive 911 calls from various cell and computer carriers. The new upgrade will allow the system to translate any data language that may be adopted by NG-9-1-1.

Since all calls will now go through the County Communications Department all software must be compatible. The Sheriff's Department interviewed seven companies. Southern Software ranked the highest of all the software vendors for the law enforcement package. Staff also recommends Southern Software as the vendor for the E911 software in order for both systems to be compatible.

Three companies submitted bids for the 9-1-1 telephony. Plant/CML ranked the highest among the vendors. Their regional support center is located in Chicago, IL with local support in Hickory, NC. The company currently has three similar systems installed in North Carolina and approximately 50 systems installed throughout the state involving various generations of equipment.

The initial cost of the project is \$1,123,919.43. After the first year the County will incur annual maintenance support costs for the system totaling approximately \$124,000 per year, the majority of which can be covered by the NC 911 funds that the County receives each year. There will also be approximately \$20,000 in additional maintenance costs that will have to be covered by the General Fund. The NC 911 Board is very specific as to how the NC 911 funds can be used. The NC 911 funds are generated by a \$0.75 per month charge on telephone bills.

The County has anticipated the need to overhaul the E-9-1-1 system for some time and has been reserving the NC 911 funds for this purpose. As of June 30, 2008, \$919,292.07 in NC 911 funds and Wire Line funds were available for use. Based on estimated receipts of \$255,869.04 for FY 2009 and estimated expenditures of \$62,383, Staff estimates having \$1,112,778.07 available to purchase the equipment, leaving the County approximately \$11,000 short of the needed funds. The Manager recommended transferring the remaining funds from the Information Technology Fund.

By moving ahead with the purchase of the software and equipment this allows both the Sheriff's staff and Communication's staff to be fully trained on the new software and equipment before moving into the new Public Safety Facility. All vendors have assured the County they will be present during the transition to the new Public Safety Facility.

The Manager said the plan would be to purchase the equipment in 2009 and allow Staff to be fully trained on the new equipment. Staff hopes to be fully operational prior to moving to the new Public Safety Facility. He also noted that a lease versus buy analysis of the equipment favored purchasing the equipment. The County piggybacked on the request for proposal with Catawba County for the telephony system and piggybacked on a request for proposal with Auburn Parish, Alabama for the CAD software for both the Sheriff and E911. The Manager summarized the proposal and then asked Staff to speak further on this matter.

Captain Eddie Lance said the current software is not adequate and he, along with the Sheriff, recommended moving forward with this project. Communications Director Kevin Shook said the new software was chosen to meet everyone's needs and will handle all methods of communication. Emergency Services Director David McNeill pointed out that this equipment needed to be replaced and upgraded regardless of the move to the new Public Safety Facility.

Commissioners thanked Staff for their work on this project.

Commissioner Hogsd made a motion to approve the purchase of: 1) the Sheriff-Pak, Mobile-Pak and Hardware from Southern Software for \$182,671; 2) CAD and CAD Hardware from Southern Software for \$409,723.56; 3) Plant/CML Telephony Equipment and Reverse 911 System for \$490,608.80; and 4) ESRI Software for \$40,916.07. The total amount is \$1,123,913.43 with monies to come from the NC 911 funds and Wire Line funds already set aside and to be set aside through June 30, 2009. Any additional funds needed would come from the Information Technology Fund. The motion was seconded by Commissioner Bullock and unanimously approved.

BUDGET TRANSFERS AND AMENDMENTS FIRST QUARTER FY 2009

Finance Director Gay Poor reported on the Budget Transfers and Amendments for the First Quarter of 2009. During the first quarter of FY 2008-2009, the General Fund budget increased by \$288,242.

The majority of this increase, \$199,000, represents funds rolled forward from the prior year for purposes or purchases initiated in FY 2009 but not completed by year end. This amount includes \$152,000 for the bookmobile, which is expected to be delivered later this month, \$11,000 that was donated to the Sheriff's Office for two or more law enforcement dogs, and \$9,000 received by EMS as a portion of a grant from the Duke Endowment.

New grants and changes in State and federal funding contributed another \$107,000, most notably \$50,000 from the Division of Water Resources for stream bank stabilization projects and \$30,000 in pass-through funds from the Department of Crime Control and Public Safety for the Children's Center. The remainder of the Duke Endowment Grant for EMS, \$22,000, was also added to the General Fund budget.

Donations of \$2,600 were recorded to reflect private contributions expected by the Joint Historic Preservation Commission for the East Main Street Historic District project.

There were a couple of reductions to the budget as well, totaling approximately \$20,000. The first was a correction of \$10,000 in SHIELD donations that were originally budgeted to be received in FY 2009; however the funds were actually collected in FY 2008, and the \$6,000 unspent at year end was rolled forward to FY 2009. The second was a \$10,000 decrease in the Transfer from Designated Funds to bring the budget down to the actual amount of Special Child Adoption funds available to be used in FY 2009. As a result of these transfers and amendments, the total General Fund Budget is \$42,758,000.

Commissioner Bullock moved to approve the Transfers and Budget Amendments for the First Quarter of FY 2009, seconded by Commissioner Phillips and unanimously approved.

MANAGER'S REPORT

The Manager reported the following:

- Staff is working with department heads on their budgets. Because of the current economic situation, capital spending has been frozen. There is major concern over the sales tax revenues and the downturn in the housing market. Staff is looking at ways to offset these reductions and will report back to the Board as soon as possible.
- The North Carolina Department of Transportation will hold a public meeting regarding Highway 215 on October 28, 2008 from 4:00 p.m. to 7:00 p.m. at the Balsam Grove Community Center. They plan to hold a public officials meeting prior to the public meeting from 12 p.m. to 4:00 p.m. More information to come.
- The 3rd floor renovations of the DSS Building are in its final stages with a move in date expected the second week in November.
- At the October 27, 2008 meeting, Commissioners will take a group photo.

PUBLIC COMMENT

Don Surette: Mr. Surette thanked Commissioners for the work they put into their positions and for doing a good job.

COMMISSIONERS' COMMENTS

In the light of the current economic situation, Commissioner Hogsed expressed his appreciation to previous Boards for saving funds for much needed projects and for planning for the future.

Commissioner Phillips asked the Manager to provide Commissioners with information comparing this current fiscal year to the previous fiscal year.

Chairman Chappell thanked the Board of Elections staff for their hard work especially what they are doing for the upcoming election.

Commissioners Phillips and Guice requested that staff provide more information for discussion at the next meeting regarding the reclassification of Boylston Creek. It seems the majority of citizens are against the reclassification and so Commissioners should be more proactive in this process.

ADJOURNMENT

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

ATTEST:

Jason R. Chappell, Chairman
Board of County Commissioners

Trisha D. McLeod
Clerk to the Board