

CALDWELL COUNTY
Lenoir, North Carolina

BOARD OF COMMISSIONERS
April 2, 2007
10:00 a.m.

Present: Faye R. Higgins, Chairman
Ron Beane, Vice Chairman
Don Barrier
Herbert H. Greene
Dr. John W. Thuss

Absent: None

Staff Present: Jack Horton, County Manager
Kathy T. Myers, Clerk to the Board

Chairman Higgins called the meeting to order and welcomed everyone. Commissioner Greene announced that the flaring had already burned over 1,000 cubic feet of methane from the former Mt. Herman landfill. Commissioner Beane provided the invocation and members of the Caldwell County 4-H (Jesse Holshouser, 8th grade student at Hudson Middle School; Anna Killian, 9th grade home schooled student; Amanda Watts 9th grade home schooled student; and Luke Killian, home schooled student) led the Pledge of Allegiance.

Chairman Higgins asked if there were any additions or amendments to the April 2, 2007 agenda. Commissioner Thuss asked to rearrange items on the agenda to accommodate several individuals in attendance to make reports. Commissioner Beane moved to approve the agenda as presented and amended. Commissioner Greene seconded the motion and the vote was unanimous.

Proclamation—Child Abuse Prevention Month

Jack Daulton with Caldwell County's DSS said April was Child Abuse Prevention Month across the country. He reported that DSS does a lot in the community regarding prevention of abuse and neglect, noting that awareness of the problem is the first step toward prevention efforts.

Pam Robins, Executive Director for the Caldwell Committee for Healthy Families, reported the agency was a non profit that started in 1984 as a task force to look at child abuse and neglect situations. She said the agency utilizes parent education and awareness tools in their effort to prevent child abuse and neglect. She said April 5th would be declared Blue Day in the schools and all students would receive a calendar that has tips for strengthening parent/child relationships. She also noted that the committee would be selling blue ribbons for \$1 each. And, on April 27th, there would be a Blue Ribbon breakfast where they will present the Blue Ribbon award at 9 a.m. to a person in the community who has gone above and beyond ordinary efforts related to prevention of child abuse and neglect.

Commissioner Beane moved to adopt the proclamation declaring April as Child Abuse Prevention Month in Caldwell County which is hereby incorporated by reference and made a part of these minutes (Exhibit A). Commissioner Greene seconded the motion. The Clerk read the proclamation and, upon its reading, Commissioners voted unanimously to adopt same.

Report—Annual Communities In Schools Review

Deborah Eller, Executive Director of Communities in Schools (“CIS”), provided Commissioners with a 2005-2006 annual report as well as a recent newsletter. She reported that CIS served 1256 students during the year. She reported there were 134 business partners; 170 volunteers for tutor/mentor services; 133 volunteers provided enrichment or program services; 23 board members; 7,881 hours of one-on-one and group service hours were provided which equated to \$140,291 in in-kind service; and 100 Sight for Students vouchers valued at \$17,200 were provided to allow all children in the County free eye examinations.

Ms. Eller also highlighted the following student outcome statistics:

Middle School:

| | |
|---------------------------------------|-------|
| Improved Grade Point Average | 66.0% |
| Promoted to next grade | 99.5% |
| Improved on End of Grade math test | 67% |
| Improved on End of Grade reading test | 76% |
| Participated in community service | 100% |

High School:

| | |
|-----------------------------------|-------|
| Improved Grade Point Average | 53% |
| Promoted to next grade | 99.5% |
| Graduation Rate | 97.5% |
| Participated in community service | 100% |

Post Graduation Placement:

| | |
|-----------------------|----|
| Post-secondary school | 13 |
| Workforce | 9 |
| Military | 1 |
| Other | 4 |

Communities In Schools Funding Sources:

| | |
|------------------------------|------------------|
| Caldwell County | \$ 29,145 |
| United Way | \$ 26,254 |
| Corporate Giving | \$ 6,024 |
| Foundation Giving | \$ 3,000 |
| Individual Giving | \$ 2,589 |
| Fund Raising | \$ 20,520 |
| CISNC | \$ 4,340 |
| Miscellaneous Income | \$ 8,318 |
| Joan Rogers Scholarship Fund | <u>\$ 1,000</u> |
| | \$102,045 |

Communities In Schools Budget In-Kind:

| | |
|--------------------------------|------------------|
| Caldwell County School System* | \$175,000 |
| Department of Social Services | \$105,000 |
| Americorp VISTA | <u>\$ 10,080</u> |
| | \$290,080 |

*Dollar amount does not include space for seven classes.

Ms. Eller said CIS made over 400 home visits; provided more than 225 transportation services for students to doctor's visits, eye exams, counseling, etc.; made over 318 referrals to community resources to improve or enhance their quality of life; provided emergency services to 25 families; gave caps and gowns to 6 students; and provided Christmas gifts to 30 students. She also talked about the Summer Program as well as changes in the overall CIS program which will become an affiliate of the national organization.

Short discussion followed about the Communities In Schools program and its benefits to the students that are served.

Report—Caldwell Extension Service Activities

Allen Caldwell, Extension Service Director, appeared before Commissioners, introduced his staff, and reported on activities and impacts by the agency during the past year. Individuals, families, and communities were assisted in the identification and solving of various problems. He said the Extension Services has been in existence in North Carolina for over 93 years and 86 years in Caldwell County. Mr. Caldwell reported his staff had a total of 87 years of experience and noted he was proud of their expertise and the service they provided to the citizens. He said the Extension Service was a leader in outreach education and was the people's choice for reliable information and lifelong learning opportunities on a daily basis. They offer quality programs to address the needs of a diverse clientele: agriculture and forestry; environmental issues; helping to maintain and promote vital communities; the 4-H program; and developing strong, healthy, and safe families. Members of his staff: Craig Adkins, Debbie Cox, Seth Nagy, Jeanette Schuszler along with Becky Ritch and Lisa Deal reported on certain highlights of their particular areas of work which are included in the overall report which is hereby incorporated by reference and made a part of these minutes (Exhibit B). In summary, Mr. Caldwell said that their programs were available for all county citizens to utilize and the total cost of the Extension Service amounts to approximately \$2.40 annually per person in Caldwell County.

Caldwell County Audit Contract Proposal by Martin Starnes & Assoc.

Sam Yearick, Finance Director, appeared before the Board of Commissioners regarding a proposal from Martin Starnes & Associates to prepare the County's annual financial report. He informed Commissioners that the contract with the previous audit firm (Bowman, Pegg & Starr) expired and was renewed for an additional year; therefore, it was time to select an auditor for the current year. Mr. Yearick said he looked at audit firms capable of performing the County's audit and, following thorough review, he highly recommended Martin Starnes & Associates to do the FY2006-07 audit for Caldwell County. He said the firm is located in Hickory and their quote for the service was less expensive than the previous auditor. He also noted that the area of concentration by the firm, for the most part, is governmental auditing. They do a huge amount of governmental audits and are competent in their field. Mr. Yearick said he and staff met with Brian Starnes and they felt the firm had a good audit program that was geared toward a timely audit.

He introduced Mr. Brian Starnes, a partner of the firm. Mr. Starnes reiterated some of the points spoken by Mr. Yearick and added that Martin Starnes & Associates currently audit 21 counties and 45 to 50 municipalities. He answered questions from Commissioners and Mr. Yearick

explained the process he went through to select an audit firm. Following discussion, Commissioner Greene moved to approve the contract with Martin Starnes & Associates which is hereby incorporated by reference and made a part of these minutes (Exhibit C). Commissioner Thuss seconded the motion and it carried unanimously.

Request to Raise Certain Fees at the Sheriff Office

Sheriff Alan Jones appeared before Commissioners with a proposal to raise certain fees at the department. He said a lot of sheriff offices and law enforcement agencies across the state currently charge fees and noted his proposal was less than a lot of other agencies' charges.

He said he wanted to implement the fee schedule on May 1st and the generated funds would be used by the Sheriff Office to replace expensive equipment throughout the department such as the fingerprint machine, etc. He said the funds would help to offset expenses that arise for things other than normal supplies.

Commissioner Beane moved to approve the fee schedule as presented by the Sheriff to be effective May 1, 2007 and Commissioner Barrier seconded. Commissioner Greene moved to amend the motion by increasing each proposed fee by \$1.00, Commissioner Thuss seconded the motion, and it carried unanimously. Following discussion, the original motion as amended carried unanimously to approve the following fees.

- Trespassing Signs \$3.00
- Incident Report Copy \$4.00
- Arrest Sheet Copy \$4.00
- Fingerprints \$4.00
- Notary Service \$6.00
- CAD Call Report \$4.00
- Audio Recording Fee \$6.00
- "Calls for Service" Report/Query \$4.00
- Attorney Check Fee \$4.00
- Storage Fees for Evidence \$2.00/day for 4 guns or less
- Storage Fees for Evidence \$1.00/day for 5 guns or more

Constructing and Maintaining a Railroad Trans-loading Facility

Mr. Stone reported that part of the overall Google Economic Development Project involved fulfilling commitments by Caldwell County and the City of Lenoir concerning discontinuance of a portion of the rail line. The agreement between Sealed Air Corporation and the Caldwell County Railroad specifically referenced the County and the City to build and operate a trans-load facility. He said the Rail Committee had been working on a solution to meet those commitments by August 31, 2007. In terms of the construction of a trans-load facility, Mr. Stone said it was estimated to cost \$1,341,600. He said four grants had been secured: a \$400,000 NC Department of Transportation Rail grant; a \$450,000 NC Department of Commerce Reserve grant; a \$450,000 NC Department of Commerce Utility grant; and a \$200,000 ARC (Appalachian Regional Commission) grant. He noted that would leave a balance of \$191,600 of which \$95,800 would be the County's share and would be paid entirely from the money provided by

Google to Caldwell County. He said no local tax money would be used for the trans-load facility construction.

He provided details about the agreement between Caldwell County and the City of Lenoir to share equally in the expenses of constructing and maintaining a railroad trans-load facility. The agreement would compliment and serve as an addendum to the EDC approved lease agreement and right of first refusal to purchase between the Economic Development Commission, Inc., and George S. Robinson and wife Ann P. Robinson for property owned by Mr. and Mrs. Robinson.

He provided details about the agreement between the City and County to guarantee payment of rent for the property for the next five (5) years. There would be a business plan and an operational plan on how the facility would be operated by the Caldwell County Railroad. The County and/or the City would have the right to opt out of the agreement at the end of the five-year term.

Mr. Stone explained the contingent interest agreement between NC DOT Rail Division and Caldwell County and the City of Lenoir. The agreement would guarantee that the contingent interest value of rail improvements purchased for the trans-load site using NC DOT rail and ARC monies would be protected as described in the agreement.

Commissioner Greene moved to formally endorse the EDC land lease agreement referenced as Item 1 and the joint Lenoir/Caldwell County agreement referenced as Item 2 along with an acknowledgement of a 5-year financial understanding that the County will provide 50% of the lease payments to the EDC in support of the lease and also approve the formal DOT Rail/ARC grant contingent interest agreement referenced as Item 3 which are hereby incorporated by reference and made a part of these minutes (Exhibits D,E,F). Commissioner Thus seconded the motion and it carried unanimously.

Caldwell County's Financial Participation in WPCOG's Air Quality Work

The County Manager said the County along with other counties in the Unifour have been working on air quality issues for some time and Commissioners Thus serves as Caldwell County's representative.

The original budget request to Caldwell County from the Western Piedmont Council of Governments (COG) was less than the final amount that the COG requested prior to the end of the fiscal year. COG submitted a request asking for the amount of participation from Caldwell County be increased by \$2851.33 which was too late for inclusion into the budget. That request never made it into the County's current fiscal year operating budget. Mr. Horton said that COG was now asking that the County pay the additional \$2,851.33 to cover its share of the costs of air quality work in the Unifour region. Following discussion, Commissioner Thus moved to approve Caldwell County to pay its prorated share for the Unifour Air Quality program and the following budget amendment. Commissioner Beane seconded the motion and it carried unanimously.

| | | | |
|----------|-------------------|---------------------------|------------|
| Increase | 10.3000.397000 | Fund Balance Appropriated | \$2,851.33 |
| Increase | 10.6170.50.464502 | WPCOG Air Quality | \$2,851.33 |

Report—Caldwell County Schools FY2007-08 Budget Request

Dr. Steve Stone, Caldwell County Schools' Superintendent, appeared before the Board of Commissioners to provide the funding request from the County for FY2007-08. Ms. Dottie Darsie, Board of Education Chair, prefaced the presentations by Dr. Stone and Bob Query regarding the budget and said she was pleased that representatives and staff from both boards had the opportunity to meet and discuss the issues. Mr. Bob Query, Finance Officer, highlighted recommendations by the Department of Public Instruction and presented the preliminary FY2007-08 budget which are hereby incorporated by reference and made a part of these minutes (Exhibits G,H). Dr. Stone talked about the area supplement rates and proposed increases which is hereby incorporated by reference and made a part of these minutes (Exhibit I).

Report—Request for PUD from River Ridge Company, LLC

Randy Feierabend, Planning Director, reported on a request from River Ridge Company, LLC for a Planned Unit Development permit for property located in the Globe community (123 acres of a 150+ acre tract of land on the Globe Road, NCPIN 2806657040). He provided Commissioners the general site plan and noted that the maximum density would be about 2 ¾ acres. He noted the property is located within the Blowing Rock emergency response area and not Caldwell County's response area. Mr. Feierabend showed Commissioners the phasing plan (3 phases) and the open space plan.

Consent Agenda

1. Approval of Minutes

The County Manager recommended the Board of Commissioners approve the minutes of the February 19, 2007 meeting as prepared and presented by the Clerk.

2. Budget Amendments

The County Manager recommended the Board of Commissioners approve the following budget amendments and to authorize staff to execute associated documents.

a. Motor Fleet (Insurance Settlements); \$3,051.15

The County's Motor Fleet Maintenance Department received two insurance settlements for damaged/wrecked vehicles. The following budget amendment is necessary to credit the revenues and reflect same in the expenditures to make necessary repairs to the vehicles:

| | | | |
|----------|----------------|---------------------------|------------|
| Increase | 10.4400.310000 | Motor Fleet Miscellaneous | \$ 361.78 |
| Increase | 10.4400.310000 | Motor Fleet Miscellaneous | \$2,689.37 |
| Increase | 10.4400.435300 | Maintenance & Repair | \$ 361.78 |
| Increase | 10.4400.435300 | Maintenance & Repair | \$2,689.37 |

b. Cooperative Extension Service (Donations); \$1,400.00

Caldwell County's Cooperative Extension Service agency received donations totaling \$1,400.00 this past January and the following budget amendment is necessary to reflect the donated funds and offsetting expenditure line item:

| | | | |
|----------|----------------|---------------|------------|
| Increase | 10.4950.364006 | Donated Funds | \$1,400.00 |
| Increase | 10.4950.432900 | Donated Funds | \$1,400.00 |

c. Sheriff Office (Radios for Detention Center); \$19,447.00

During the Board's March 19th meeting, this portion of an approved budget amendment was inadvertently omitted from the request submitted to the Board. Due to the age and cost of maintaining the existing radio system for the detention center, Captain Chris Brackett stated the replacement for a new system would be \$19,447.00 and subsequently made a recommendation for replacement. The following budget amendment is necessary to complete the overall request originally submitted by Captain Brackett for improvements to the facility:

| | | | |
|----------|----------------|---------------------------|-------------|
| Increase | 10.3000.397000 | Fund Balance Appropriated | \$19,447.00 |
| Increase | 10.4320.452000 | Equipment | \$19,447.00 |

3. Request from EMS to Purchase Fire Programs Software Upgrade

The County Manager informed Commissioners that the Fire Marshal Division has the primary responsibility for all fire inspections and the issuance of special permits for items such as blasting, underground tank storage/removal, etc. When the County began searching for a new permitting software system it was realized that there was no single solution available that could address the specific needs of the Fire Marshal's staff. The selection of the BluePrince system has greatly improved their ability to identify new businesses that require fire inspections. However, the BluePrince system does not address current existing businesses, fire reporting and fire investigations. BluePrince only addresses new construction permitting. It does not address on-going operational permits such as blasting, storage tanks, fireworks, spray booths, etc. BluePrince does not track annual, bi-annual and tri-annual reoccurring inspections. It also does not track re-inspections where a business fails their annual fire inspection and is given time to come into compliance. Greg Branch, IT Director concurred with the findings and the need for Caldwell County Fire Marshal's staff to upgrade their FirePrograms system to meet these needs.

Currently the Fire Marshal staff is utilizing a "home made" Microsoft Access database that was created by the IT Department over 8 years ago. It is out of date and falls short of meeting the current or future record keeping needs of the Fire Marshal's staff. The Fire Marshal's office has been utilizing the FirePrograms software package, in conjunction with all but two of the fire department in Caldwell County, for over 5 years. The current software includes only the basic Station Manager module, which is a single user system and can not be accessed by all staff. The upgrade will include FirePrograms Risk Manager Package as well as upgrading the system to an unlimited user, network version. The Risk Manager module includes: locations, preplans, civilian database, permits, inspections, resource phone list, hydrants, and hazardous materials databases.

Staff began pricing an upgrade in April 2006. The software vendor has had several pricing increases since our original quote. In January 2007, the price increased by \$ 977.06. The current quote for the necessary software upgrades is \$ 3,249.75 and is valid through the end of April 2007. The department has been working with the IT Department to identify funding that would allow upgrading.

As part of the completion of the Philyaw Property - Hazard Mitigation Grant, the department received \$2,272.69 in administrative reimbursement funds and staff has requested approval to utilize the funds along with other funds currently in their operating budget to upgrade the software system and purchase an uninterrupted power backup (UPS) device for the server it will be placed on. The UPS device will provide power protection for the server and ensure it is

operational during power outages and problems. Staff has included \$25.00 for shipping/handling charges for the UPS. The total cost of the program upgrade project is approximately \$3,459.28.

Staff has proposed the use of \$ 2,272.60 in administrative funds along with \$300.00 in the Fire Marshal Software Service line item with the addition of \$886.59 from the EMS Software Service line item to acquire the necessary items.

Staff advised they have been unable to secure any other funding source to complete the project and are concerned that the cost of the project will continue to increase making it more difficult to fund in the future.

The County Manager recommended the Board of Commissioners approve the following budget amendment necessary to transfer funding to allow purchase the upgrade project for the Fire Marshal's office:

| | | | |
|----------|----------------|-----------------|------------|
| Increase | 10.4390.330000 | FM Other Grants | \$2,272.69 |
| Increase | 10.4390.444500 | FM SV-Software | \$2,272.69 |

4. Caldwell County Schools' Application for Public School Building Capital Funds

The County Manager reported Donnie Bassinger submitted a request to the Board of Commissioners for approval to use Public School Building Capital funds (ADM monies) to replace roofs at the following schools:

- Sawmills Elementary
- Hibriten High
- Hudson Middle
- Happy Valley
- Lower Creek Elementary
- Valmead Elementary

It was noted that the Board of Education would take official action regarding the application for the funds during its next meeting. To approve this request and allow the Board of Education to proceed with the activities using the identified funds, the County Manager recommended the Board of Commissioners approve the following budget amendment and adopt the project budget ordinance which is hereby incorporated by reference and made a part of these minutes (Exhibit J).

| | | | |
|----------|----------------|------------|--------------|
| Increase | 75.5910.334301 | School ADM | \$240,570.00 |
| Increase | 75.5910.465801 | School ADM | \$240,570.00 |

5. Request to Schedule Public Hearing for Community Development Block Grant

The North Carolina Community Development Block Grant (CDBG) program requires all applicants for grant funds to conduct two (2) public hearings prior to formal grant requests. The first public hearing is general in nature and is intended to solicit public input on potential projects. The second hearing specifically describes the actual project to be submitted.

For some months, the Foothills Airport Authority and the four (4) local governments involved in the authority have been working on an economic development project for the airport. This

potential project will require construction of public waterlines to serve the facility. Staff have suggested Caldwell County serve as the applicant for this waterline grant effort.

To begin the CDBG grant process, the County Manager recommended the Board of Commissioners schedule the first public hearing for 6:00 p.m. on Monday, April 16, 2007 in the City-County Chambers to discuss the CDBG grant.

Commissioner Barrier moved to approve the five (5) items on the consent agenda as presented and recommended by the County Manager. Commissioner Thuss seconded the motion and it carried unanimously.

Commissioner Beane was excused from the meeting at 12:40 p.m.

Closed Session

At 12:40 p.m. Commissioner Greene moved to go into closed session to discuss the location of a business/industry and to discuss a personnel matter pursuant to N.C.G.S. 143-318.11(a)(4) and (a)(6). Commissioner Barrier seconded the motion and it carried unanimously.

A motion was moved by Commissioner Thuss, seconded by Commissioner Greene, and carried unanimously to come out of closed session to regular session.

There being no further business, Commissioner Greene moved to adjourn, Commissioner Thuss seconded and, by unanimous vote, Chairman Higgins declared the meeting adjourned at 1:50 p.m.