

May 28, 2020 (Special - Budget)

**MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
SPECIAL BUDGET MEETING**

Both Burke County and the State of North Carolina had previously declared a state of emergency which was ongoing as of May 28, 2020 due to the global COVID-19 pandemic. Following the N.C. Governor's Executive Order limiting mass gatherings and to protect the health of all meeting participants, the Burke County Board of Commissioners' regularly scheduled in-person budget meeting on May 28, 2020 at 2:00 p.m. was cancelled on May 26 2020. A special remote meeting via Zoom, a virtual meeting / teleconferencing platform with simultaneous communication, was scheduled for May 28, 2020 at 2:00 p.m. to facilitate the meeting. Chairman Carswell executed the combined notice of meeting cancellation and notice of a special virtual meeting which was published on May 26, 2020. The Commissioners, the County Manager, the County Attorney, the Clerk and County staff as well as any citizens that joined the virtual meeting, could hear, and see one another for the duration of the meeting. Citizens that joined by telephone, could only hear the meeting. Citizens were also invited on May 26, 2020 to watch a live stream of the meeting on the County's YouTube channel, BurkeCountyNC or view the meeting later on the local cable systems. During the meeting, the Clerk shared each agenda item on her computer screen so that meeting participants could see the item being discussed and the agenda, in its entirety, was posted to the County's website, www.burkenc.org, several days prior to the meeting as usual. A verbal roll call was conducted.

COMMISSIONERS PRESENT: Johnnie W. Carswell, Chairman
Scott Mulwee, Vice Chairman
Wayne F. Abele, Sr.
Jeffrey C. Brittain
Maynard M. Taylor

STAFF PRESENT: Bryan Steen, County Manager
Margaret Pierce, Deputy County Manager/Finance Director
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

CALL TO ORDER

Chairman Carswell called the meeting to order at 2:04 p.m.

APPROVAL OF THE AGENDA

Motion: To approve the agenda.

RESULT:	APPROVED [UNANIMOUS] BY A VERBAL ROLL CALL VOTE
MOVER:	Jeffrey C. Brittain, Commissioner
AYES:	Johnnie W. Carswell, Scott Mulwee, Wayne F. Abele, Sr., Jeffrey C. Brittain and Maynard M. Taylor

ITEMS FOR DISCUSSION

AS - RECONSIDERATION OF FY 20-21 BUDGET

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The Animal Services Director was unavailable due to an animal emergency. Clerk Draughn presented information regarding Animal Services' FY 20-21 budget reconsideration request as follows:

Capital funding for a new animal services center was not included in the recommended budget for FY 20-21. A capital appropriation of \$5,000 is requested. Staff believes this appropriation will help with potential fundraising activities and validates the County's desire to construct a new facility in the future.

Chairman Carswell opened the floor for questions and comments from the Board and asked if they wished to approve this request. Vice Chairman Mulwee, Commissioner Abele, and Commissioner Brittain expressed support for the request. Commissioner Taylor expressed displeasure on the increasing cost for Animal Services / Animal Control and said it has increased by 800 percent in the past two (2) years. Commissioner Taylor further expressed his displeasure that the County continues to spend money and said the Board's slogan should be "always spending and always taxing to cover the spending." Chairman Carswell expressed support for this request.

CONSENSUS TO INCLUDE \$5,000 OF CAPITAL FUNDING IN THE FY 20-21 BUDGET

FOR: Johnnie W. Carswell, Scott Mulwee, Wayne F. Abele. Sr., and Jeffrey C. Brittain

AGAINST: Maynard M. Taylor

SHERIFF'S DEPT. - RECONSIDERATION OF FY 20-21 BUDGET

Sheriff Whisenant presented information regarding budgetary reconsideration for the Sheriff's Office and the Detention divisions.

Sheriff's Office Budget Reconsideration
for FY 20-21 Detention Officers Positions May 28, 2020

Long prior to opening the new Burke County Jail on December 20th, 2019, the Sheriff's Office (SO) had been planning and preparing. Without including myself, the other command staff members, consisting of three former jail administrators and a former detention officer, used their jail experience and research to develop a staffing number. They recommended 74 staff to safely and responsibly operate the jail at full capacity.

The SO requested a jail staff of 60 for FY 19-20 to initially open the jail. The County Manager's recommended budget was for 40. During a SO requested budget reconsideration, the commissioners agreed to a meeting of the commissioners' chair and vice-chair, county administration, and the SO. During that meeting, a consensus was reached for 55 jail staff to initially open the jail to house Burke County arrestees which averaged 170 per day. A decision to reevaluate the number of jail staff needed to operate the jail at full capacity (264) would be determined later.

Subsequent to operating the jail for four months, the SO requested 20 additional officers (20 + 55 for a total of 75) for FY 20-21. 75 would allow the SO to safely and responsibly house Burke County arrestees and rent the remaining vacant

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beds up to full capacity of 248 (which does not include the 16 isolation beds for which you cannot permanently house arrestees).

The County Manager recommended an increase of 12 officers rather than 20 in his FY 20-21 budget. The SO requested a budget reconsideration and was granted for May 28, 2020.

Obstacles and Educational Issues to Overcome:

- A. Hiring detention/corrections staff is currently extremely difficult statewide. The SO has been unable to hire and retain sufficient staff to meet our staffing allocations of 55 and we currently have five vacancies.
- B. Due to "A" above, the SO has 19 officers that must complete their mandatory one-month detention certification training (within one year from the date of hire with any agency) or lose their ability to serve as a detention officer.
- C. The SO believes a vast majority, if not all, of new hired detention officers, will need to complete the one-month detention certification school. All of the new officers will need to complete a period of on-the-job training.
- D. Coordinating and securing a sufficient number of experienced officers to work the required overtime for all the other detention officers to attend one-month school will be significant.
- E. The Burke County Jail and court situation is unique. The SO must transport defendants from the jail to the downtown Courthouse holding facility for court appearances.
- F. The (a) transport and (b) downtown holding of defendants require four officers (two sworn and two non-sworn). These four officers should not be counted as Burke County Jail detention officers who supervise arrestees.
- G. In addition to the Obstacle of "F" above, there is a jail administrator (Capt.), two lieutenants, a maintenance technician, a state transport officer, a DCI/classification officer, and the administrative assistant. Those staff should not be included in the jail detention officers who supervise arrestees.
- H. Removing those eleven (11) Burke County Jail employees in "F" and "G" above leaves 44 detention officers (11 per shift) to operate the control room, operate the booking process, and supervise all the arrestees throughout the jail.
- I. The new jail's (a) compliance with the NCDHH direct supervision policies (where officers and arrestees are periodically together in a common area), (b) the jail's large footprint and (c) the two level construction requires officers to walk between four and six miles per 12-hour shift.
- J. The National Institute of Corrections (NIC) staffing recommendations are based upon the number of jail posts, not the number of inmates. NIC recommends 4.2 staff for every 24-hour coverage of a 24/7 post 365 days a year. Obviously, one cannot hire 2/10th of a person. Thus, understanding that 24/7 coverage requires four shifts, the SO would need to hire a 5th officer for each of the four shifts to have continuous coverage of that permanent post. (**See a further NIC explanation below).
- K. Another example that one would not normally understand without being in the jail profession is as follows. Adding a single juvenile to the jail necessitates designating five detention officers to supervise that single juvenile. Those

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- juvenile officers cannot supervise both the adult and juvenile pods. We currently have an officer shuttle back and forth between the juvenile pod and booking.
- L. Currently, performing jail duties during a Coronavirus Pandemic with a vacancy of five officers substantially taxes jail staff. The Burke County jail isolates any arrestees coming into the jail for 14 days, takes temperatures of everyone entering the jail and performs significant cleaning, disinfecting and monitoring.
 - M. As the N.C. Courts re-open, the SO expects a significant increase of arrestees to come through the jail.
 - N. Jail Administrator Capt. Huntley attended a Jail Administrators' Institute of Leadership training session and learned the following: There are approximately an average of 19% more jail incidents involving fires, assaults, contraband, and suicide/attempts with an understaffed jail.
 - O. To appreciate the full operation of the jail, the SO would invite commissioners who desire to do so, to shadow a detention officer for a 12-hour shift.

Path to Success for Safely and Responsibly Operating the Burke County Jail for
Staff, Arrestees/Defendants, Contracted Employees, and Others

1. The Burke County Jail must first house our own Burke County arrestees and defendants. (Prior to the Pandemic, Burke County's own population sometimes reached over 200).
2. Bed rentals will be determined by the remaining vacant beds available.
3. Subsequent to the SO hiring and training the new detention officers, the SO can begin renting the available vacant beds to generate revenue for our county.
4. The SO asks the commissioners to grant the 20 additional detention officers as originally requested in the pending FY 20-21 budget request. (*See table below)
5. In addition to the 20 requested detention officers (officers that work on a 24-hour post), the SO asks the commissioners to grant a sworn lieutenant's position as requested in the pending FY 20-21 budget request. This lieutenant would assume a variety of roles including a new task of (a) SMCP (State Misdemeanor Confinement Program) manager. Also included would be (b) the training coordinator for OC Spray, ASP Baton and other required trainings, (c) to serve warrants and perform other duties within the jail requiring a sworn-officer, (d) to cover for other lieutenants (there are two for four shifts), and other necessary duties.

*Below is the number of supervising detention officers (not including the administrative, transport, courthouse holding facility, and other staff listed in "F" and "G" above) needed to safely and responsibly operate the jail.

44 Supervising Detention Officers = to fill 170 beds
 48 Supervising Detention Officers = to fill 190 beds
 52 Supervising Detention Officers = to fill 210 beds
 56 Supervising Detention Officers = to fill 230 beds
 60 Supervising Detention Officers = to fill 250 beds
 64 Supervising Detention Officers = to fill 264 beds

**NIC Explanation of "What Is Adequate Staffing?"

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Ultimately, the outcome of the staffing analysis is to ensure that the jail has an adequate level of staffing to operate safely and securely. At the most basic level, adequate staffing is a matter of numbers. This concept is best illustrated by looking at how many people it takes to provide 24-hour coverage of a single assigned post 365 days a year. A 24-hour-a-day post must be staffed 8,760 hours a year; an employee works approximately 40 hours a week approximately 2,080 hours if that employee were available to work 5 days a week, every week of the year. Divide the total number of hours that must be worked by the total number of hours that the typical staff member could work, and basic math shows you that you need at least 4.2 officers to cover that post.

The problem is that the average employee is not available 2,080 hours a year. Staff take vacation, get sick, use other types of leave, and go to training, among any number of other activities all of which make them unavailable to work at the post where you need them. When you include staff members' typical use of leave in the equation, you actually need five staff members to cover a post. No factor is more critical in determining the number of staff than net annual work hours.

Chairman Carswell opened the floor for questions and comments from the Board and asked if they wished to approve this request. Vice Chairman Mulwee said this Board has supported the Sheriff's Office (SO) by providing pay increases, new vehicles, a new jail, and relieved them of animal control responsibilities, at their request, so the Board is a supporter of the SO. However, the recommended number of detention officers, 12, is the correct number of positions. Commissioner Brittain asked how many supervisor posts there are in the jail. Sheriff Whisenant said 16. In response to a question from Commissioner Taylor, Margaret Pierce, Deputy County Manager/Finance Director, said the cost per detention officer is approximately \$50,000, discussion ensued regarding staffing and the associated costs. Commissioner Taylor expressed displeasure at the rising costs of operating the SO. Chairman Carswell asked when were the regulations changed that prohibits a person working in the juvenile dorm from also, at the same time, working in the adult dorm. Captain Greg Huntley, Jail Administrator, said the regulations were changed in December with the Raise the Age legislation, discussion ensued. Captain Huntley said he is unsure why this change was made. Captain Huntley responded to an additional question from Chairman Carswell concerning the duties and responsibilities of the requested State Misdemeanor Confinement Program manager position. Commissioner Taylor made a comment concerning a presentation he heard at County Assembly Day (Zoom meeting) and asked how many total positions are being requested for the upcoming fiscal year. Chairman Carswell said he will make sure that information is provided to Commissioner Taylor. Chairman Carswell asked with the beds at the new jail, could the SO fill those beds with inmates from across the State. Sheriff Whisenant said with the Coronavirus pandemic he is unsure, but after the pandemic has slowed down, they could. Sheriff Whisenant responded to an additional question from Commissioner Taylor.

Sheriff Whisenant moved into the second portion of his request and presented the following information:

Sheriff's Office Budget Reconsideration
for FY 20-21 Regarding Two Warrant Service/Special Assignment Deputies

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The Sheriff's Office (SO) is pleased that the Animal Services and the Animal Enforcement Divisions will be moved under one roof in July 2020. The SO believes that situation will be the most effective and efficient way to provide animal services for our Burke County citizens.

The SO had requested two additional deputies in our FY 20-21 budget to be placed under the Warrant Sergeant. Their purpose was two-fold with their permanent duties consisting of serving warrants, subpoenas, and juvenile petitions while backing up and answering calls for services during times of high-call volumes. In addition, the plan was for those two deputies to be available to (a) back-up and assist civilian animal enforcement in dangerous situations and (b) assist with felony criminal animal violations.

The County Manager did not recommend those two positions in his recommended FY 20-21 budget. The SO asked for a budget reconsideration hearing and was granted the hearing for May 28, 2020.

The SO asks that the commissioners grant those two positions for one year to enable a more effective and efficient transition from the SO animal enforcement to civilian animal enforcement.

Chairman Carswell opened the floor for questions and comments from the Board and asked if they wished to approve this request. Vice Chairman Mulwee, Commissioner Abele, and Commissioner Brittain were not supportive of the requests. Commissioner Brittain also noted, in regard to the jail request, that he is not opposed to the Lieutenant position to manage the income from inmates from outside the County, but the County needs to move forward with the recommended positions from the County Manager. Commissioner Taylor agreed with the Board and noted that two (2) times within the past few years they have identified specific people whose responsibility was 100 percent to ensure that warrants and subpoenas are delivered on time, and now the Sheriff is asking for those positions again. Unless there is a workload issue, Commissioner Taylor said, he does not recommend these positions be approved.

County Manager Steen asked for clarification on whether or not the Board wants to approve the Lieutenant position. Vice Chairman Mulwee said he wants to stick with the original 12 positions, Commissioner Abele agreed with Vice Chairman Mulwee, Commissioner Brittain said he thinks they need someone to manage the State Misdemeanor Confinement Program if the County intends to bring in outside inmates. Commissioner Taylor said he has already made his opinion known.

CONSENSUS TO INCLUDE EIGHT (8) ADDITIONAL DETENTION OFFICERS AND TWO (2) SHERIFF'S DEPUTY POSITIONS IN THE FY 20-21 BUDGET

NOTE: Commissioner Brittain was in favor of only adding the Lieutenant position to manage the State Misdemeanor Confinement Program if the County intends to bring in outside inmates.

AGAINST: Johnnie W. Carswell, Scott Mulwee, Wayne F. Abele. Sr., Jeffrey C. Brittain and Maynard M. Taylor

COMM. DEV. - RECONSIDERATION OF FY 20-21 BUDGET

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Scott Carpenter, Deputy County Manager/Planning Director, presented information regarding the reconsideration of Community Development's FY 20-21 budget as follows:

Community Development has been working diligently for the past six years to create a loop trail around Lake James, as part of the Fonta Flora State Trail, which is anticipated to run from Morganton to Asheville. As of 2020, the loop section has made it 2/3 of the way around the Burke County section of the lake. Several projects were requested in the 2020-21 Budget to finish the NW, N and NE section of the trail. Specifically, \$300,000 was requested to build a trailhead at Wolfpit Road, Gwaltney Road, purchase an in-holding (property) at Fonta Flora County Park and to finish providing amenities at the Linville River Trailhead.

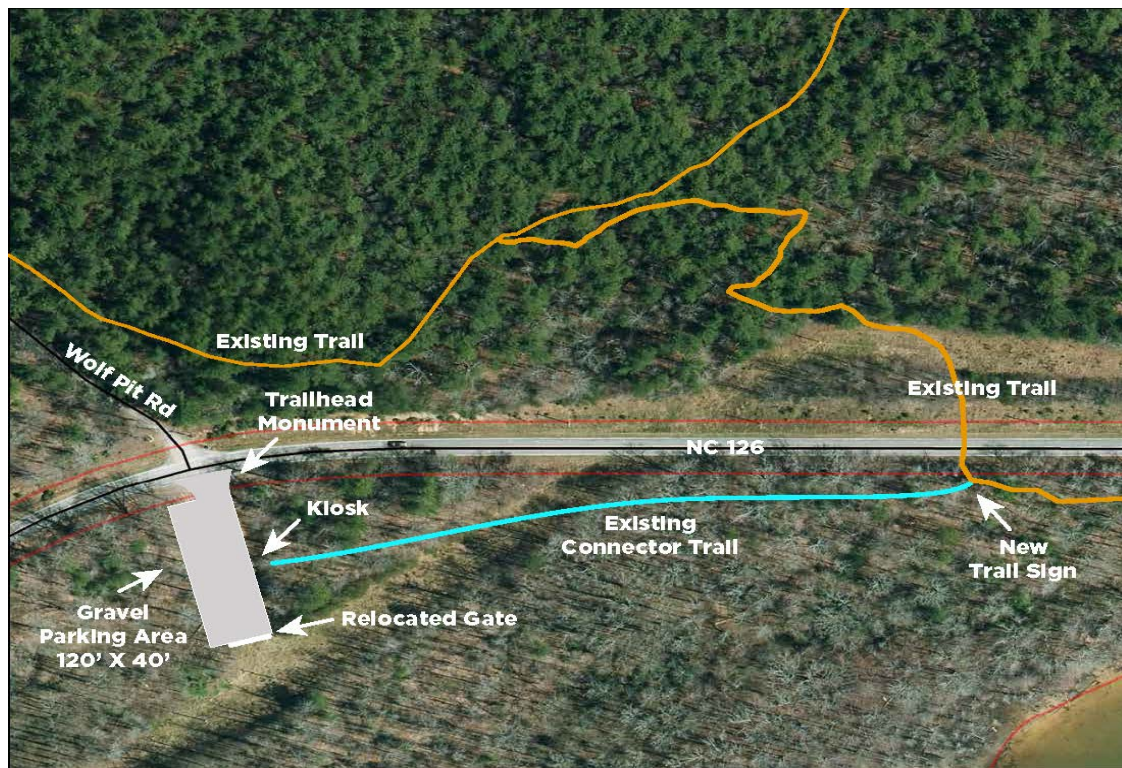
This reconsideration request is for the following items:

1. \$5,000 for a trailhead monument at the Wolfpit Road Trailhead; and
2. \$6,000 for two (2) kiosks for the Wolfpit and Linville River trailheads; and
3. \$7,500 for gravel and geo-textile fabric for the Wolfpit Road Trailhead.

Total Request: \$18,500

Note: 1: Wolfpit Trailhead is already cleared and has a connector trail to it. By adding fabric, gravel and bump stops, 12 additional parking spaces can be created.

Note: 2: Current parking at Fonta Flora County Park is overflowing onto the adjacent road shoulders and is inadequate to serve the trail's popularity. Staff has counted 58 cars on a Saturday with only 38 parking spaces at the county park trailhead.



Chairman Carswell opened the floor for comments or questions from the Board. Mr. Carpenter

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responded to a question from Commissioner Abele concerning the location of some trail work that is occurring. He noted that the Fonta Flora Trail has probably doubled the amount of tourism to the north area of the Lake and the popularity will double again once the trail comes across the dams. Mr. Carpenter said they are very close to finishing this project and while he is aware of the economic situation, he plans to move forward with the project and finish it within the next 2 ½ years. Vice Chairman Mulwee said while the Board is supportive of the trail, this budget is tough, and when sales tax figures are better known perhaps the Board can look at this item again in January. Commissioner Brittain said considering the popularity of the trail, he would support approving items two (2) and three (3). Commissioner Taylor said last year the grants and donations totaled approximately \$2 million and this year, the amount is zero. He asked is there any in-kind donations going towards these projects. Mr. Carpenter said no because they are nearing the end and have stretched all the grant money as far as they can on the north side of the Lake. Shane Prisby, Operations Manager for the Department, reported on the maximization of the Department's grant funding. Commissioner Taylor said he believes funds from the recommended budget can be rearranged to support this \$18,500 request and he noted he believes this will do more good than some of the other items they approved today. Chairman Carswell asked when does Community Development want to build the parking area. Mr. Carpenter said as soon as they can in July and discussion continued. In response to another question from Chairman Carswell, Mr. Carpenter said the kiosks will provide information on trails, distances to other attractions, and shows users their location on the trail. Vice Chairman Mulwee said he can be flexible on approving Item No. three (3). Mr. Carpenter noted that anything the Board approves for the Fonta Flora State Trail will pay for itself in tourism because of the popularity of the trail. Mr. Carpenter responded to a question from Chairman Carswell who noted that he agreeable to approving items two (2) and three (3).

CONSENSUS TO INCLUDE ITEM NO. TWO (2) \$6,000 FOR TWO (2) KIOSKS FOR THE WOLFPIT AND LINVILLE RIVER TRAILHEADS AND ITEM NO. THREE (3) \$7,500 FOR GRAVEL AND GEO-TEXTILE FABRIC FOR THE WOLFPIT ROAD TRAILHEAD IN THE FY 20-21 BUDGET. CONSENSUS TO RECONSIDER ITEM NO. 1, \$5,000 FOR A TRAILHEAD MONUMENT AT THE WOLFPIT ROAD TRAILHEAD, IN JANUARY 2021.

FOR: Johnnie W. Carswell, Scott Mulwee, Wayne F. Abele. Sr. and Jeffrey C. Brittain

CONSENSUS TO INCLUDE ALL THREE (3) ITEMS IN THE FY 20-21 BUDGET BY ADJUSTING THE PROPOSED BUDGET

FOR: Maynard M. Taylor

BOC - DISCUSSION ON THE FY 20-21 RECOMMENDED BUDGET

Chairman Carswell opened the floor for conversation for the Board to discuss the recommended budget, provide direction to staff on any proposed changes to the budget or for staff to address any questions the Board may have about the recommended budget for FY 20-21.

Vice Chairman Mulwee said at this point, he is satisfied. Commissioner Abele said the jail is always a sticking point for him, but there is not a lot that can be done about it now. Commissioner Brittain said he is fine with everything right now.

Margaret Pierce, Deputy County Manager/Finance Director, in reference to an earlier question from Commissioner Taylor, said 53 full-time positions, one (1) part-time position, and eight (8) reclassifications were requested. She said of those, 21 new full-time positions, one (1) part-time position increased to a full-time position, and two (2) reclassifications are in the recommended

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Burke Co. Board of Commissioners

Attest: