

Posted: September 18, 2003
Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
SEPTEMBER 16, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, September 16, 2003, at 6:00 p.m., 401 Grindstaff Cove Road, Room 203, Sylva, North Carolina.

Present: Stacy Buchanan, Chairman
Roberta Crawford, Vice Chairman
Joe Cowan, Commissioner
Eddie Madden, Commissioner
Brian McMahan, Commissioner
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board

Chairman Buchanan called the meeting to order.

AGENDA: Chairman Buchanan recommended that the Agenda be amended by adding Smart Growth Report, Recreation Master Plan and Cashiers Library. Commissioner Crawford moved to approve the amended Agenda. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Work Session of September 9, 2003, Public Hearing (Schedule of Values) of September 9, 2003, and Regular Meeting of September 9, 2003. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC: Sharon Davis, teacher at Cullowhee Valley School, stated that this is the first year school has started without having enough teachers in place for some of the positions. She stated that surrounding counties offering supplements causes a teacher shortage in Jackson County. She requested the Board to consider teacher supplements during next year's budget meetings.

CONSENT AGENDA

(1) (2) (3) FINANCE REPORT FOR JULY 2003: TAX COLLECTOR'S REPORT FOR JULY 2003, BUDGET AMENDMENTS: Commissioner Crawford moved to approve the Consent Agenda. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

ADMINISTRATIVE REPORTS

(4) **CHAIRMAN'S REPORT**: The Tuckaseegee Water & Sewer Authority Board has invited the Board of Commissioners and municipalities to a meeting on September 30, 2003, 6:00 p.m. at its offices. It is not mandatory that the Commissioners attend this meeting but are welcome to do so. TWSA will be appearing before this Board at the Joint Meeting with Municipalities scheduled on October 7th.

(5) **COMMISSIONERS' REPORT**: None

(6) **COUNTY MANAGER'S REPORT**: Mr. Westmoreland reported that advertisements for construction bids for the new Social Services Building started last week. Direct solicitations were also mailed to interested contractors. The bid process will remain open for thirty days and hopefully a contract can be awarded within sixty days.

(6A) **SMART GROWTH**: Mark Jamison submitted a draft Subdivision Ordinance for discussion purposes only. He also submitted a memo from the Smart Growth Task Force with a series of checklists relating to the ordinance and a proposal for the dissemination of the Ordinance for public comment. The task force would like to schedule a meeting with certain department heads around the first of October. The draft Ordinance requires meetings throughout the county for public input. Discussion was had whether the task force and consultant should schedule meetings throughout the county and receive public input. Mr. Westmoreland was directed to assemble written information from the department heads for review by the Board at its October 14th meeting. It will be necessary to schedule a work session to revise the Ordinance and ascertain how to proceed for public input.

OLD BUSINESS:

(7) **SMOKY MOUNTAIN HIGH SCHOOL FRESHMEN TRANSITION PROGRAM**: At the last meeting Commissioner Crawford requested that the Board be furnished with the number of teachers at Smoky Mountain High prior to the Freshmen Transition Program, 2001-02 and 2003-04. A memo dated 9/16/03 from Mary Ann Barker furnished figures but they appear to be incorrect. Chairman Buchanan will contact the Board of Education for the correct figures.

(8) **ELGAR GROUP, INC.**: Action deferred until the 2004 budget discussions.

(9) **QUALLA FIRE DEPT.**: No action taken.

(9A) **BALSAM FIRE DEPT**: Commissioner Crawford moved to approve the financing arrangements with United Financial Group of N.C. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(9B) CULLOWHEE FIRE DEPT. SUBSTATION: The fire department is still working on financing. Commissioner Madden moved to authorize the Fire Dept. to proceed with the Caney Fork Substation. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(9C) RECREATION MASTER PLAN: The task force recommended that HadenStanziale be authorized to commence work on a recreation master plan. Originally the firm quoted a fee of \$59,000 which exceeded the budget; however, Mr. Westmoreland negotiated the fee for \$45,000 plus out-of-pocket expenses not to exceed \$5,000. The reason the firm agreed to reduce its fees was because county staff would be providing some of the basic demographic tasks and compilation of existing facilities. Funds for this master plan have been budgeted. A master plan will allow the county to be in a position for future grants. Commissioner Crawford requested that action on this issue be carried over until the next meeting in order for the Commissioners to have sufficient time to review the proposal.

(9D) CASHIERS LIBRARY: Mr. Westmoreland reported that he had been negotiating with Mike Osowski, Architect, concerning his fees. The three elements Mr. Westmoreland had concerns about were: (a) landscape fee – it has been agreed upon as a fixed fee and is an option, not mandatory; some volunteer work and materials may be donated; (b) interior design fee - fixtures, furniture, carpets, lighting, etc. is also fixed, not mandatory; some work may be donated; (c) Mr. Osowski's fee is fixed at \$100,000 (7.6% based on the construction price of the facility). Mr. Osowski is the architect of record for the original library and his fee is within bounds. Mr. Westmoreland recommended authorization of the contract. Commissioner Madden moved to authorize the contract. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

NEW BUSINESS

(10) SHERIFF'S OFFICE: A Special Meeting has been scheduled on September 23, 2003, 6:00 p.m. with the detention center architect, Barge, Waggoner, Sumner & Cannon, to discuss issues raised by Sheriff Ashe on September 9, 2003.

(11) DIVISION OF COMMUNITY CORRECTIONS: No action required.

(12) CRIMINAL JUSTICE PARTNERSHIP PROGRAM (CJPP): State statutes describe qualifications for appointments to a CJPP Board. Pursuant to N.C.G.S. 143B-273.10: "The board of county commissioners may designate an existing board that meets these requirements to serve as the County Criminal Justice Partnership Advisory Board". Chairman Buchanan recommended that the present Juvenile Crime Prevention Council, which has the same state requirements, appoint a subcommittee of no fewer than 10 members to serve as the Criminal Justice Partnership Program Board. The membership should also include a Probation Officer and Community Services personnel. There are serious concerns because there is only one provider in the county. Commissioner Cowan stated the program has merit; however, it must be determined who will implement the decisions of the board and administer the program. Chairman Buchanan stated that it should be assigned to the probation department. Commissioner

Cowan will ascertain if the JCPC Board would be receptive to appointing a subcommittee from its membership.

(13) MUNICIPAL GRANT APPLICATION AND TIMETABLE: Mr. Westmoreland presented a Municipal Grant Application Form. Applications for the Municipal Grant Program will be taken during the month of October. The Board of Commissioners will review the applications during the month of November and grant awards will be announced at the first Board meeting in December. Grant funds will be made available to approved municipalities in January. Grant requests shall be limited to a maximum of \$20,000. This application will be discussed at the Joint Meeting with Municipalities scheduled on October 7, 2003.

(14) EQUIPMENT CONTRACTS (John Deere Construction, Kubota Credit Corp.): Commissioner Madden moved to approve the two contracts. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(15) EMERGENCY MANAGEMENT EQUIPMENT: No action required.

(16) RESOLUTION – SEARCY MOUNTAIN ROAD: Commissioner Crawford moved to adopt the Resolution (No.R03-25). Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(17) APPOINTMENT OF COUNTY ASSESSOR: Commissioner McMahan moved to appoint Bobby McMahan acting county assessor. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(18) APPOINTMENTS TO PLANNING BOARD: Chairman Buchanan recommended that appointments for the two at-large positions would be voted on by the Commissioners as follows: each Commissioner would submit a name; each Commissioner would have 6 votes (3 for first choice, 2 for second choice and 1 for third choice); the Clerk would tabulate the votes and if there is a tie, the Chairman would vote to break the tie. The Board consented to this procedure.

Commissioner Cowan requested that he would like to table making appointments to the Planning Board until after the Closed Session. Chairman Buchanan suspended the rules to honor Commissioner Cowan's request.

(19) APPOINTMENTS TO CASHIERS AREA COMMUNITY PLANNING COUNCIL: **(20) APPOINTMENTS TO CASHIERS AREA DESIGN REVIEW BOARD**: Ads have been running in the Crossroads Chronicle and The Sylva Herald for two weeks soliciting applicants to serve on the council and board. Applications have also been placed in strategic places throughout the Cashiers community.

(21) SCHEDULE OF VALUES FOR REVALUATION 2004: Commissioner Crawford moved to approve the Schedule of Values. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

Chairman Buchanan moved that the Board go into Closed Session pursuant to G.S. 143-318.11(a)(6) Personnel and G.S. 143-318.11(a) (5) Real Property. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

Chairman Buchanan called the Open Session back to order and reported no action or votes were taken in Closed Session.

PLANNING BOARD APPOINTMENTS:

Commissioner McMahan, District Two, appointed Bob Ginn.
Commissioner Madden, District Four, appointed Sue Bumgarner.
Commissioner Crawford, District One, appointed Ira Jones.
Commissioner Cowan, District Three, appointed Raymond Ledford.
Chairman Buchanan appointed Brandon Stephens.

For the two at-large members, Commissioner Cowan recommended Cathy Johnson, Commissioner Crawford recommended Mike Moore, Chairman Buchanan recommended Sharon Holt, Commissioner Madden recommended Phil Fowler, and Commissioner McMahan recommended Hugh Thompson. After tabulating the votes, the Clerk announced that Mike Moore and Sharon Holt received the most votes. The new Planning Board will be requested to meet with the Commissioners at a work session on October 7, 2003, 7:30 p.m.

Commissioner Crawford moved that the meeting be adjourned. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 8:15 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Stacy Buchanan, Chairman