

Posted: May 14, 2003
Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MAY 13, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, May 13, 2003, at 6:00 p.m. in Room 203, Justice & Administration Building, 401 Grindstaff Cove Road, Sylva, North Carolina.

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

Absent: Commissioner Joe Cowan

Chairman Buchanan called the meeting to order.

AGENDA: Chairman Buchanan moved to amend the Agenda by adding three budget amendments. Commissioner Crawford moved to approve the Agenda as amended. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

MINUTES: Commissioner Crawford moved to approve the Minutes of the Public Hearing of April 15, 2003, and Regular Meeting of April 15, 2003. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC: Mr. Bill White of Fraternal Composite Specialties presented a 39"x 46" framed photograph of the Historic Courthouse. Chairman Buchanan suggested that it be placed in the new Commissioners' Boardroom. The Board thanked Mr. White for his donation.

CONSENT AGENDA

(1) FINANCE REPORT FOR MARCH 2003: The Finance Report for March 2003 was submitted for approval. Mr. Westmoreland stated that revenues are slightly ahead of schedule and expenditures are under, both by design. He is working with the Finance and Tax Collector's Offices to reconcile the tax receipts figures. At present the Finance report does not reflect penalty and interest revenues.

Some of the highlights were:

<u>Ad valorem tax collected to date</u>	<u>\$ 15,240,555.53</u>
<u>Motor vehicle tax collected to date</u>	<u>\$ 777,477.72</u>
<u>Prior year tax collected to date</u>	<u>\$ 476,449.52</u>
<u>Sales tax for 4th Qtr 2002 to date</u>	<u>\$ 1,692,593.71</u>
<u>Landfill disposal fees to date</u>	<u>\$ 994,472.09</u>
<u>Prior year landfill disposal fees to date</u>	<u>\$ 46,600.06</u>

(2) TAX COLLECTOR'S REPORT FOR MARCH 2003: The March 2003 Tax Collector's report was submitted for approval.

(3) BUDGET AMENDMENTS: Budget amendments were submitted for approval:

<u>(a) Health Dept for the WIC Program</u>	<u>\$ 2,735.00</u>
<u>(b) Sheriff's Dept. Detention Officers from Contingency</u>	<u>\$ 55,175.00</u>
<u>(c) School Improvement Fund</u>	<u>\$ 491,890.00</u>
<u>(d) Transfer to Capital Projects from Contingency</u>	<u>\$ 63,430.00</u>

ADMINISTRATIVE REPORTS

(4) CHAIRMAN'S REPORT: None

(5) COMMISSIONERS' REPORT: Commissioner Madden reported that Cashiers held a "Taste of the Mountains" event last week. This event gives local restaurants the opportunity to present samples of food available at their respective establishments.

(6) COUNTY MANAGER'S REPORT: Mr. Westmoreland presented the Proposed 2003-04 Budget. A Work Session is scheduled for May 20, 2003, 5:00 p.m. Appeals will be scheduled in Special Work Sessions after May 20th. A Public Hearing is scheduled for June 10, 2003, 5:00 p.m.

(7) CONSULTANT SCOPE OF SERVICES FOR SMART GROWTH TASK FORCE: Gerald Green, AICP, Planning and Development Consultant, had previously submitted a written scope of work for assisting the Smart Growth Task Force. Mark Jamison, Chairman of the Smart Growth Task Force, reported the scope of work was satisfactory and the task force has begun work on a Subdivision Ordinance.

(8) WORK FIRST PLAN AMENDMENT: State Social Services officials in Raleigh have requested that the county's Work First Plan Emergency Assistance be amended to include more detail about (a) the definition of an emergency; (b) the services to be provided, and (c) eligibility criteria. Mr. Cochran submitted a proposed amendment detailing these three items. Due to a May 16th state deadline, Commissioner Crawford moved to approve the amendment. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(9) PLAN FOR THE DISPOSITION OF COUNTY REAL PROPERTY: The County owns several tracts of surplus property. This issue was discussed at length during the budget retreat. Pursuant to state statutes, there are several methods for selling or disposing of property. Chairman Buchanan recommended that only the sealed bids method be used. He further recommended that a minimum tax valuation bid be required. An updated list of county-owned property will be obtained from the Mapping Dept. Attorney Holt and Mr. Westmoreland were instructed to draft a policy concerning the disposition of county real property.

(10) AWARD OF PROPOSAL FOR ADMINISTRATIVE SERVICES FOR SCATTERED SITE HOUSING GRANT: One of the requirements of the grant was to let bids for Administrative Services. Two bids were received: Mountain Projects, Inc. and Southwestern Council of Governments. After interviews were completed, Southwestern Council withdrew its bid. Mr. Westmoreland recommended that Mountain Projects, Inc. be awarded the contract. The fee for this service will be \$50,500 that will be paid through grant. One of the stipulations to Mountain Projects, Inc. is that it trains a county employee who could possibly administer the grant in the future.

(11) REGISTER OF DEEDS – REVIEW NCACC 4/21/03 FINAL REPORT AND RECOMMENDATIONS: Mr. Robert G. Hester of the N.C. Association of County Commissioners submitted a written report evaluating existing procedures, making recommendations to improve efficiency of the real estate recording and indexing process and to increase the accuracy of the index. Recommendations included: (a) filling the vacant position; (b) a qualified staff person should be in the office at all times to record documents; (c) requiring the staff to attend workshops conducted by the N.C. Association of Registers of Deeds; (d) contacting the education committee of the N.C. Association of Registers of Deeds for on-site staff training; (e) requiring staff to pursue certification; (f) schedule on-site visits to Buncombe, Lincoln and Watauga Counties to study proven indexing and verification systems and procedures.

Joe Hamilton, Register of Deeds, summarized the 28 recommendations and what his office is doing to follow those recommendations. He explained that since his office is understaffed at present, he is unable to have one deputy work in an uninterrupted area. This recommendation will be implemented when a new employee is hired. Three employees are now performing proofreading. The Cott Systems software contract is scheduled for renewal in July. Mr. Hamilton will discuss the availability of re-key verification software along with software for an improved method of tracking. As recommended, proofing reports will be retained for a minimum of five years. New indexing procedures have been implemented. Each deputy has a Register of Deeds Guidebook. Pursuant to the recommendations, one book will be used for recording deeds, deeds of trust, assignments, powers of attorney, right of way, UCC's and all other real estate documents. He stated that the staff staggers their lunch hours and a qualified staff person is always on duty. He did not see the necessity of on-site training since he and his staff can obtain further training at workshops. Certification schools are scheduled once per year and two of his present staff are certified. On-site visits to Buncombe, Lincoln and Watauga Counties are possible if he only takes one employee per visit.

Jay Coward, on behalf of the Bar Association, addressed the Board. The Bar Association has not often intervened in county business and with great reluctance met in a special called session in 2002 to discuss errors in the Register of Deeds Office. The bar discussed this matter with the county attorney. The outside task force selected by the Commissioners was a good idea and validated the bar's concerns. The bar is of the opinion that the task force's recommendations should be closely followed. Closing the office for one day should not be permitted unless a tremendous amount of advance preparation and notice is given. The bar recommends that the office only be closed on scheduled holidays. Correction procedures need to be implemented; however, new procedures will not correct previous errors. He recommended a historical review, which means that each and every document in each and every book be reviewed for the past two years. This will be a tedious and time-consuming task. The bar should be included in some manner in this process. An individual or committee should review the records to ascertain that the recommendations have been implemented. The bar will also assist in drafting monitoring recommendations. The bar also recommended that the vacant position be filled with an experienced individual.

Attorney Holt recommended that a new recording clock be purchased that will record the hour, minute and seconds on all documents. At present many documents reflect the same recording time. Mr. Hamilton stated he would order a new recording clock immediately.

Chairman Buchanan suggested that a meeting be scheduled with the Register of Deeds, Bar Association, County Attorney, and one Commissioner to draft an audit and review procedure for documents recorded during the past two years. Chairman Buchanan volunteered to serve on this committee.

(12) REGISTER OF DEEDS – CLOSE OFFICE FOR ONE DAY: Joe Hamilton, Register of Deeds, presented a letter stating that one of the recommendations by the review team was that his staff attend workshops. An indexing workshop is scheduled at Buncombe Technical Community College on May 21st. He requested authorization to close the Register of Deeds' office on May 21st. He stated he would run a notice in the newspapers, notify the paralegals and attorneys. Attorney Holt stated that the office should not be closed without a substantial amount of notice.

Commissioner Crawford moved to deny the request due to the short notice. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(13) HISTORIC COURTHOUSE USE COMMITTEE REPORT: Tabled.

(14) PROCUREMENT CARD POLICY: Procurement cards will be issued to department heads for official county purchases. Employees must sign documentation verifying agreement to the conditions of use. The card is to be used in the conduct of county business only. The use of a card to acquire or purchase goods and services for other than the official use of the county will be fraudulent use. Mr. Westmoreland recommended approval of this policy.

(15) APPOINTMENTS TO COUNCIL ON AGING BOARD OF

DIRECTORS: Helen Bryson, Director, recommended by letter that David Snell, Robert L. Root and Edwin Norton be appointed to the Board of Directors.

(16) APPOINTMENT OF ANIMAL CONTROL ORDINANCE TASK

FORCE: The Noise Task Force volunteered to serve along with Veronica Nicholas. Chairman Buchanan volunteered to serve on the task force, but will only vote in the event of a tie.

(17) RESOLUTION TO ADD OLD COVE ROAD TO DOT

MAINTENANCE: Pat McMillan presented a Petition signed by a majority of property owners on Old Cove Road. The owners of two tracts on the road have refused to sign. The property owners who signed the Petition have volunteered to pay \$2,500 for a condemnation suit if they cannot work out an alternate route that meets with DOT's approval.

(18) RESOLUTION FOR THE ABANDONMENT OF A PORTION OF

SR1368: A Petition signed by Mr. and Mrs. Joseph Roberts was presented recommending that 300 ft. of SR1368 located on their property be abandoned from the state system.

(19) RESOLUTION FOR SECONDARY ROAD IMPROVEMENTS: A

Resolution was presented by the N.C. Dept. of Transportation recommending a program of total needs for Secondary Road improvements in Jackson County for the period July 1, 2003 through June 30, 2004 in the total amount of \$4,370,000.

(20) NOISE ORDINANCE AMENDMENT: The Noise Ordinance Task Force recommended that the Board adopt an amended Noise Ordinance. The Board expressed appreciation for the work performed by the task force.

A Public Hearing was held on May 6th. The proposed Ordinance does not address target shooting or pet noise. After discussion, it was the general consensus that animal nuisance/noise should be addressed in the Animal Control Ordinance. Complaints should be substantiated and not become "neighbor vs. neighbor". Attorney Holt stated that complaints must be proven and nothing can be placed in an ordinance that is contrary to the judicial system. Chairman Buchanan stated that an ordinance should not be adopted which cannot be enforced in court. Discussion was had concerning the \$50.00 penalty and if it would serve as a deterrent. A recommendation was made that representatives from animal control and Sheriff's Office attend meetings of the task force to discuss the issues.

(21) GREENWAYS COMMISSION BY-LAWS AMENDMENT: David M.

Bates, Greenway Coordinator, recommended that Article III, Section 1(e) be amended, due to difficulty in obtaining a quorum at meetings, as follows:

A quorum shall consist of a majority of six (6) members of the Commission who represent a minimum of four (4) of the governmental entities participating in the interlocal agreement.

The Towns of Dillsboro, Sylva, Webster and the Village of Forest Hills have approved this amendment, pursuant to the terms of the Interlocal Agreement.

(22) AUTHORIZE CAPITAL PROJECT ORDINANCE FOR SMOKY MOUNTAIN HIGH SCHOOL PHASE II: This authorization requests that the following amounts be appropriated for the project:

Smoky Mountain High – Science Building	\$ 3,337,544
Smoky Mountain High – Front Entry	\$ 1,412,397
Smoky Mountain High – Land Acquisition	<u>\$ 350,000</u>
	\$ 5,099,941

Mr. Westmoreland recommended that this Ordinance be adopted immediately. Commissioner Crawford moved that the Project Ordinance be adopted. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(23) AUTHORIZE PUBLIC SCHOOL BUILDING CAPITAL FUND – HVAC PROJECTS: This authorization is for HVAC Projects at Blue Ridge, Fairview and Cullowhee Valley Schools. The Board of Education will join the Board of Commissioners for the release of \$368,917.50 from the Public School Building Capital Fund. Mr. Westmoreland recommended that this request be authorized immediately because funding must be included in the upcoming budget. Commissioner Madden moved to approve the request. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

Commissioner Crawford moved that the meeting be adjourned. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 8:45 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Stacy Buchanan, Chairman