

Posted: September 11, 2003
Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
SEPTEMBER 9, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, September 9, 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 Balsam Fire Dept. and Cullowhee Fire Dept. Substation. Commissioner Crawford moved to approve the amended Agenda. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Regular Meeting of August 19, 2003. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC: Wanda Watson of Cashiers stated that a committee comprised of citizens opposed to the Cashiers Commercial Area Land Development Ordinance has been formed and wishes to have representation on the Cashiers Area Community Planning Council and Cashiers Area Design Review Board. The committee is in the process of identifying members of the community who would qualify for inclusion on those boards. A list will be presented to the Commissioners. She requested that appointments to those two boards be deferred until the October 14th meeting. She also requested that the committee be placed on a November 2003 Agenda for presentation of potential amendments and enhancements to the Ordinance.

CONSENT AGENDA

(1) FINANCE REPORT FOR JULY 2003: Highlights included:

<u>General Fund Revenue to date</u>	<u>\$ 649,026.53</u>
<u>General Fund Expenditures to date</u>	<u>\$ 2,406,771.57</u>
<u>Ad Valorem Tax collected</u>	<u>\$ 7,175.70</u>
<u>Motor Vehicle Tax collected</u>	<u>\$ 62,613.94</u>
<u>Prior Year Tax collected</u>	<u>\$ 75,443.44</u>
<u>Prior Year Landfill Disposal Fees collected</u>	<u>\$ 8,138.93</u>

(2) TAX COLLECTOR’S REPORT FOR JULY 2003: The Tax Collector’s report for July 2003 was submitted for approval.

(3) BUDGET AMENDMENTS: Mr. Westmoreland explained that the three budget amendments represent final budget balancing for the year-end. They are as follows:

- (a) Various Funds \$ 270,159.14
- (b) Clean Water Fund \$ 1,016.62
- (c) Human Services Fund \$ 35,000.00

ADMINISTRATIVE REPORTS

(4) CHAIRMAN’S REPORT: Chairman Buchanan notified Joe Rossano of his appointment to the Library Task Force.

(5) COMMISSIONERS’ REPORT: Commissioner Cowan stated he had appointed Diane Shallock to the Library Task Force.

(6) COUNTY MANAGER’S REPORT: Mr. Westmoreland reported:

- (a) Personnel: Hired Benjamin Friddle (Project Care Coordinator), Dana Trammel (part-time Cashiers transit driver), and Thomas McConnell (part-time housekeeper at Cullowhee Recreation Center).
- (b) WestCare EMS Audit: Reflects a positive balance for the first time.
- (c) Cullowhee SRC: Paving is scheduled for the fourth week of September.

OLD BUSINESS:

(7) SMOKY MOUNTAIN HIGH SCHOOL FRESHMEN TRANSITION PROGRAM: Mary Ann Barker, Instructional Specialist SMH, gave a power point presentation concerning the Transition Program. Targeted areas for improvement included end of course test scores, failure rate, discipline referrals, dropout rate. The end of course testing resulted in freshmen showing improvement in proficiency on end of course tests. Higher student achievement improved by 3 out of 4 subjects showing gains and 2 out of 4 subjects showing a significant gain. Failure rates have declined in core academic subjects. Discipline referrals have improved by 3.41%. The county contributes one-half the cost for teachers in this program. Ms. Barker was requested to provide the Commissioners with the number of teachers for FY2001-02 and FY2003-04.

(8) ELGAR GROUP, INC.: Commissioner Crawford moved that this issue be deferred until the 2004 budget discussions. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(9) QUALLA FIRE DEPT.: Chairman Buchanan reported that he had talked with the Fire Chief who is having difficulty making contact with a property owner concerning a proposed site.

(9A) BALSAM FIRE DEPT.: Mr. Westmoreland reported that he had met with a representative of United Financial Group of N.C. who is the proposed financing agent for the new fire station at Balsam. The financing arrangements meet all county requirements. He recommended that the loan be authorized. Dean Coward reported that the site has been graded and architectural and engineering plans should be available in 3-4 weeks.

(9B) CULLOWHEE FIRE DEPT. SUBSTATION: Chief Frady reported that he had met with citizens in the Caney Fork community concerning a substation. He presented a letter from Steven L. Tucker, acting on behalf of Sally G. Tucker, who will donate 2.5 acres of property adjacent to the present Caney Fork Community Center to the Caney Fork Fire Dept. with the following stipulations: “(1) A memorial plaque dedicated to Robert S. Green and Sally Hunter Green to be erected and maintained on a stone pedestal in a garden area near the fire station’s flag pole (wording to be discussed with Chief Frady). and (2) Ownership of the property with any improvements and structures will revert back to Steven L. Tucker and heirs if the Caney Fork Fire Dept. does not keep its Charter or contract with the county or does not maintain an active and viable fire department.” Chief Frady stated that the department would be working on financing.

NEW BUSINESS

(10) SHERIFF’S OFFICE: Sheriff Ashe stated his concerns that the detention facility is still not opened. He also reiterated his request for installation of a gate and perimeter fencing which he identifies as a public safety issue. In the interim, his office has incurred \$66,760 from December 2002 – July 2003 for housing inmates in other counties. Sheriff Ashe contacted the National Institute of Corrections of the U.S. Dept of Justice, who, through a free grant program, sent two experts in detention facility matters to Jackson County. Mr. Warren Cook and Ms. Grace Smith spent a few days inspecting the new jail.

Mr. Cook stated that he had 36 years of experience and had been with the National Institute since 1986. He focused on two items which, in his opinion, is holding up opening the jail. One is a perimeter fence and second the location of the Magistrate’s Office. He stated that in order to accommodate federal prisoners, fencing is required. The possible revenue for housing federal inmates is \$85.00 per day. Further, pursuant to American correctional standards and in the event of an emergency, federal inmates are to be removed 50 feet from the facility into a fenced area. He stated that if a contract is signed with the U. S. Marshal’s office, they would possibly pay up to 20% of capital expenses. The cost for fencing and gate is \$42,172.

Mr. Westmoreland reported that the architect was on site today and all but one correction had been made. Price & Price still needs to correct two water problems. All contractors have been notified that the county is exercising its liquidated damage clause in the contracts at the rate of \$250.00 per day per contractor.

Mr. Cook stated that there are two code violations: (1) the stairwell that leads from the housing area, and (2) location of the Magistrate's Office. The present location of the Magistrate's office causes people to be in the facility illegally and could create a liability issue. He recommended that the breathalyzer room be converted for the Magistrate's Office and the bond room be converted to a breathalyzer room. Renovations to achieve this would require removing a window and installing a door at an approximate cost of \$2,500.00. He also suggested as an alternative to renovating the rooms, house the Magistrate in a manufactured structure in the fenced parking area. Discussion was had concerning accessibility by the general public to the Magistrate's Office if it is in a fenced area. Mr. Cook will submit a written report to the Sheriff.

Chairman Buchanan stated that the jail standards officials in Raleigh reviewed and approved the plans prior to construction. Sheriff Ashe along with Captain Melton served on the jail design committee. Chairman Buchanan stated that he had a concern about fencing because he supported the idea of adding the jail to the Justice Center at the beginning because he was assured that it would not look like a prison. The Sally Port was designed for security in transporting prisoners in and out of the facility.

(11) DIVISION OF COMMUNITY CORRECTIONS: Debbie DeBruhl, 30th Judicial District Manager, gave an overview for the 2002-03 fiscal year. "The mission of DCC is to protect the safety of citizens throughout the state by providing viable alternatives and meaningful supervision to offenders placed in our custody. The primary goal of the department is to accomplish our mission by reaching an equal balance of control and treatment for offenders that will positively affect their behavior and lifestyle patterns."

(12) CRIMINAL JUSTICE PARTNERSHIP PROGRAM (CJPP): Marie Maher, Criminal Justice Coordinator for the 40th District, explained that as an outgrowth of the Structured Sentencing Act of 1994, CJPP is an endeavor that requires a partnership between the state and county and provides monies to help create alternative sentencing options for certain offenders. Its goals are to reduce recidivism, reduce probation violations, reduce substance abuse, and reduce the cost of incarceration. The program addresses the causes of criminal activity, such as substance abuse, mental illness, lack of job skills, and basic education; however, it also provides a chance for citizens to make a positive difference by tutoring, mentoring, or providing structured training to the offenders. In addition, the average cost for an offender in the CJP Program is \$15.00 per day compared to \$91.00 per day in the county jail. She encouraged the Commissioners to reconsider participating in this program since there would be no cost to the county.

(13) MUNICIPAL GRANT APPLICATION AND TIMETABLE: Mr. Westmoreland stated that a municipal grant allocation was included in this year's budget in the Community Development Program. The purpose was to allow the Board to assist the municipalities of the county with various worthy projects that might arise. In order to

assure that the county's funds are distributed fairly, systematically and in a timely manner, he suggested that the Board consider setting an annual application process and schedule. The Board could then review each pending application for funds simultaneously and make decisions as to their relative strength, cost, community value, community support, etc. Mr. Westmoreland will draft guidelines for this proposal and present them at the September 16th meeting.

(14) EQUIPMENT CONTRACTS (John Deere Construction, Kubota Credit Corp.): (a) John Deere Construction & Forestry Co. contract is for a Model 310SG Wheel Loader Backhoe for the maintenance department. The total cost is \$54,500 and will be financed at zero interest for 36 months. Funds have been budgeted.

(b) Kubota Credit Corp. contract is for an M5700HD-F Tractor for the grounds department. The total cost is \$24,075 and will be financed at zero interest for 36 months. Funds have been budgeted.

Mr. Westmoreland recommended approval of both contracts.

(15) EMERGENCY MANAGEMENT EQUIPMENT: Mr. Westmoreland stated that matter concerned replacement of 911 equipment which he was able to handle in the existing budget.

(16) RESOLUTION – SEARCY MOUNTAIN ROAD: Property owners on Searcy Mountain Road presented a Petition requesting that the road be added to the state maintenance system.

(17) APPOINTMENT OF COUNTY ASSESSOR: Due to the retirement of Cecil Dills and pursuant to N.C.G.S. 105-294, a County Assessor must be appointed. Bob McMahan has been in training, but has not at present been certified by the Dept. of Revenue. Therefore, his appointment must be in an "acting capacity" and his term cannot extend beyond two years. Mr. Westmoreland recommended that Mr. McMahan be appointed through June 30, 2005 so that the county can get back on schedule pursuant to the statutes.

(18) APPOINTMENTS TO PLANNING BOARD: The Commissioners were requested to make appointments at the next meeting.

(19) APPOINTMENTS TO CASHIERS AREA COMMUNITY PLANNING COUNCIL: Pursuant to the Cashiers Commercial Area Land Development Ordinance adopted on August 19, 2003, Article III, Sec. 3-2(b)

1. "The Cashiers Area Community Planning Council shall consist of 5 regular members and 2 alternates appointed by the Jackson County Board of Commissioners. All members shall be residents of, own property in, and/or own a business in the Cashiers Commercial Area."

(20) APPOINTMENTS TO CASHIERS AREA DESIGN REVIEW BOARD: Pursuant to the Cashiers Commercial Area Land Development Ordinance adopted on August 19, 2003, Article III, Sec. 3-3(b):

1. "The Cashiers Area Design Review Board shall consist of 5 members appointed by the Jackson County Board of Commissioners.

2. Members shall be trained in or work in architecture, landscape architecture, or building construction.
3. All members shall own property in, own a business in, and/or be a resident of the Cashiers Commercial Area.”

Chairman Buchanan recommended that a contact person in Cashiers assist in compiling a list of citizens who are interested in serving on the two committees (19 & 20 above). Advertisements would be placed in the Crossroads Chronicle and The Sylva Herald for two weeks so that everyone will know the requirements. He also recommended placing fliers containing the same information be placed throughout the community. A good cross-section (pro and con to ordinance) is preferred. He also suggested that the original Task Force assist by informing the citizens about appointments to the two committees. The Commissioners are not required to make appointments from the list; however, all appointments must be from the designated area. All lists must be completed and turned into the Clerk to the Board by the end of September so it can be included in the October Agenda packet.

Chairman Buchanan moved that the Board go into Closed Session pursuant to G.S. 143-318.11(a)(6) Personnel, G.S. 143-318.11(a) (5) Real Property, and G.S. 143-318.11(a)(3) Legal. 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.

Commissioner Crawford moved that the meeting be adjourned. Commissioner Madden seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 10:15 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Stacy Buchanan, Chairman