

Posted: September 24, 2003
Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF A SPECIAL MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
September 23, 2003**

The Jackson County Board of Commissioners held a Special Meeting on Tuesday, September 23, 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
Joe Cowan, Commissioner
Brian McMahan, Commissioner
Eddie Madden, Commissioner
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board

Chairman Buchanan called the special meeting/work session to order and stated the purpose was to discuss the detention facility with Sheriff Ashe and Grant Tharp, Architect.

Chairman Buchanan reported that at the last Regular Meeting Sheriff Ashe presented Mr. Warren F. Cook and Ms. Grace Smith who were contracted by the National Institute of Corrections to provide on-site technical assistance at the new jail. Mr. Cook and Ms. Smith conducted a jail inspection at the Sheriff's request and presented an oral briefing to the Board on September 9, 2003. This week the Board was furnished a written report of their recommendations. Among many recommendations, the issues of design elements, courtroom security, and security fence were addressed.

Chairman Buchanan asked Sheriff Ashe what the Board of Commissioners needs to do to address his immediate concerns. Sheriff Ashe stated that a security fence, breathalyzer room and location of the Magistrate's Office need immediate attention. His reasons were as follows:

(1) Fencing: Fencing is a security issue. In the event of evacuation and pursuant to OSHA regulations, inmates must be moved a minimum of 50 feet from the building while allowing 2 feet per person. The area needed for 80 inmates would be approximately 210 feet. The fence would be the secondary security point. Fencing is also a safety issue to the community. Criminals charged with all types of offenses are in the county jail. Expensive vehicles and equipment are also located in the parking area and need to be secured.

Sheriff Ashe presented a letter dated September 22, 2003 from Robert G. Lewis, Chief, Jail and Detention Section, concerning perimeter security fencing/safe emergency evacuation area, which supports the Sheriff's position.

Chairman Buchanan asked if the grass area in the rear of the building would be sufficient for fencing. Sheriff Ashe stated only if it is connected to the building and OSHA would need to be contacted. Sheriff Ashe stated he has an evacuation plan in place; however, if school is in session and there is a delay in the buses arriving, there would be a problem of where to securely keep the inmates. He was asked what he would do now and he responded that he would move the inmates outside the jail and cuff them. Chairman Buchanan suggested using the grass area at the rear of the building and discuss fencing during next year's budget hearings and take care of the Magistrate's Office location during the present budget. He stated that he would like to see exactly how much of the area would need to be fenced.

Commissioner Crawford asked if the jail could be opened without a fence. Sheriff Ashe responded that issue is the subject of this meeting. Sheriff Ashe stated that all issues were of equal liability.

(2) Breathalyzer Room: The breathalyzer room is located adjacent to the sally port. After a person completes a breathalyzer test, he is then walked across the booking area lobby to the Magistrate's Office. During this time the person is not the responsibility of the Sheriff's Office. Thus, this procedure presents a safety issue. The location of this room was an oversight.

(3) Magistrate Office: The Magistrate must be accessible to the general public, not just officers. Chairman Buchanan asked if the public had access to the Magistrate through a side door. Sheriff Ashe responded "yes"; however, if an arrested person is disruptive in the booking lobby, it could put the public at risk. The ideal place for an officer to bring a person in is through the sally port. There is an immediate need to relieve the county of possible liability issues.

Commissioner Crawford asked Mr. Tharp if the state had actually signed off on the facility leaving the Magistrate's Office in place as shown on the blueprint. Mr. Tharp stated "yes" and the inspectors have seen it during all inspections.

Chairman Buchanan stated that the location of the Magistrate's Office was through no fault of the architect or the inspectors in Raleigh, but was an internal idea by the Sheriff.

Commissioner McMahan asked if a newly arrested person remains in the custody of the arresting officer until the Magistrate makes a decision and Sheriff Ashe responded "yes".

(4) Courtroom Security: Sheriff Ashe stated he only had one bailiff on September 23, 2003, two courts were in session plus jury selection. Therefore, officers were called in from other duties to assist with court. Chairman Buchanan stated that the Sheriff would need to continue this practice and request more officers in next year's budget hearings. Sheriff Ashe stated that this is not as great a crisis as getting the detention center open.

(5) Housing Inmates Out of County: Sheriff Ashe stated that by not being able to use the new jail causes his office to continue to incur expenses. He stated at present the jail is at full capacity and some inmates must sleep on the floor. Haywood, Macon, Cherokee, and Buncombe County jails are also full.

Sheriff Ashe stated fencing and location of the Magistrate Office are his main concerns at this time .

(6) ARCHITECT: Mr. Grant Tharp of Barge, Waggoner, Sumner & Cannon, architects who designed the jail, addressed the board. Mr. Tharp stated that his firm met with the county's jail planning committee on numerous occasions throughout the study phase and the first couple of design phases. The planning committee made numerous modifications to the floor plan. He also met with officials in Raleigh on several different occasions. Mr. Bob Lewis, Jail and Detention Section, reviewed the proposed design item by item and modifications were made pursuant to his request.

The original plan was for the Magistrate's Office to remain in its present location. His firm's office notes reflect that originally the Magistrate did not want to be in the new jail; however, the Magistrate did review the floor plans and made changes because the preliminary plans had the office located near the sally port and the Magistrate did not want to traverse through the secure area so the floor plans were changed accordingly. The Magistrate did not advise the architect where the office could or could not be located.

The fence issue was discussed at some point in the preliminary meetings, but his recollection is that "the fence was not going to be done at this time and would not be addressed until some future date". Every county and Sheriff has different opinions on this issue. Mr. Tharp's security consultant advised him that only 25% of local jails have fencing. He agreed with the Sheriff about evacuation in emergency situations; however, the jail was designed with a door between the day rooms to move inmates to another area. The state then reviewed the proposed plans two more times.

The state inspector was on site yesterday, September 22, 2003, which makes the sixth time he has been at the site. Mr. Tharp's firm has been in constant contact with the prime contractors attempting to get the jail open since the initial state inspection in May. The inspector has now given his verbal approval and Mr. Tharp is sending a letter requesting a certificate of occupancy. Mr. Tharp agreed that the exclusion of a drinking fountain was an oversight and will be corrected. The state has a list of requirements that new jails must follow and exterior fencing was not a requirement. It was Mr. Tharp's opinion that the county is not breaking any statutes by not having a fence. The new Haywood County jail will have fencing around a portion of its new facility.

Commissioner Crawford stated that the Board could not take care of every possibility and obligate everything to the jail system.

Commissioner Cowan stated that since the jail meets North Carolina standards he didn't understand why "experts" were brought in. Mr. Tharp agreed that it met North Carolina standards. Commissioner Cowan stated that there appeared to be too many issues and all of them cannot be solved at one time. The Board cannot cover every

contingency. The Magistrate's Office should be in harmony with the layout of the jail and "if it needs moved - then move it".

Attorney Holt asked Mr. Tharp if initially the Magistrate's Office was not to be a part of the new jail and if the original plans were labeled "Magistrate's Office" when presented to the state. Mr. Tharp responded that when the needs study was done the Magistrate's Office was not included; however, the preliminary and schematic designs included the Magistrate's Office and was on the plans approved by the state. Attorney Holt asked if the state questioned the location of the breathalyzer room and Magistrate's Office. Mr. Tharp responded "no".

Mr. Tharp was asked if he had any suggestions on how to rearrange the offices without incurring an excessive expense. Mr. Tharp said he did not at this time. He stated he was here to help and the jail has had seven all day inspections not just the normal two. He did state that the recommendation for the Magistrate to use video booking is a possible solution to the issue. If this plan is used the inmate could be handled without having to leave the booking area. One small holding cell would need to be used for the video equipment.

Sheriff Ashe stated that all of his administrative offices are occupied with the exception of the Chief Deputy's Office, which will be addressed in next year's budget hearings. He stated the Magistrates are state employees, not county employees.

Sheriff Ashe stated that the architects have been receptive to suggestions and Mr. Tharp should be allowed to explore new locations for the breathalyzer room and Magistrate's Office. He stated that having the Magistrate's Office in close proximity to the jail makes it easier for the officers; however, the new office location is unacceptable. There is an exit from the Magistrate's Office without having to travel through the booking area.

Chairman Buchanan asked Sheriff Ashe that when the certificate of occupancy is received would he move the inmates. Sheriff Ashe responded that there is a problem because of the second floor construction and would prefer to wait until it is complete.

The Sheriff stated he would like to prohibit the flow of traffic around the building, especially on high volume court dates, even if it is just a post and cable-intercom system. Commissioner Crawford stated that people should be free to come and go if they are not inside the jail. Sheriff Ashe responded that he disagreed – "this is a security issue".

Sheriff Ashe stated: "I want to hereby place the county board of commissioners on notice that my recommendation is to start this process immediately. I want to do this for liability reasons. I think the fence needs to be constructed right now. The magistrate issue should be addressed right now. From my perspective and point of view, it is a necessity at this time".

There being no further comments, Commissioner Crawford moved that the Special Meeting be adjourned. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote and public hearing adjourned at 7:40 p.m.

Attested By:

Approved:

Evelyn B. Baker, Clerk

Stacy Buchanan, Chairman