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Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 14, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, October 14, 2003, at 6:00 p.m., 401 Grindstaff Cove Road, Courtroom One, 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: Commissioner Crawford requested that Retired Employees Dental Insurance be added, Commissioner McMahan requested that Jail Facility be added, Mr. Westmoreland requested that the Cullowhee Fire Dept. Substation be added. 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 Work Session of September 16, 2003, Regular Meeting of September 16, 2003, and Special Meeting of September 23, 2003. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC: Avram Friedman requested the Board to adopt a resolution urging the North Carolina Attorney General to sue the Environmental Protection Agency under the Clean Air Act for a rule change that redefines "routine maintenance" for factories, refineries and power plants. Pursuant to Section 10 of the NC Clean Smokestacks Act, the state is obligated to use all available means to protect the state from air pollution originating elsewhere. He reported that 14 states and the District of Columbia have filed already filed suit. A Resolution will be submitted for approval at the November regular meeting.

CONSENT AGENDA

(1) FINANCE REPORT FOR AUGUST 2003: Highlights:

<u>General Fund Revenues Collected To Date</u>	<u>\$ 4,101,899.58</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 4,979,408.22</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 760,207.78</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 138,563.30</u>
<u>Prior Year Tax Collected</u>	<u>\$ 156,148.53</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 14,924.64</u>

(2) TAX COLLECTOR’S REPORT FOR AUGUST 2003: The Tax Collector’s Report for August 2003 was submitted for approval.

(3) BUDGET AMENDMENT: General Fund Amendment: \$ 8,279.00 (WiseWoman Program and Bioterrorism revenue).

ADMINISTRATIVE REPORTS

(4) CHAIRMAN’S REPORT: None

(5) COMMISSIONERS’ REPORT: Commissioner McMahan Commissioner Crawford and Mr. Westmoreland attended the inauguration of the new Cherokee Tribal Chief on October 6th. The Tribal Council has indicated it would like to meet with the Board of Commissioners.

(6) COUNTY MANAGER’S REPORT: None.

OLD BUSINESS:

(7) RECREATION MASTER PLAN CONTRACT: The task force recommended that HadenStanziale be authorized to commence work on a recreation master plan. The contract price is not to exceed \$49,850.00. Mr. Westmoreland recommended that the contract be approved. Chairman Buchanan suspended the rules and with no objection, Commissioner Madden moved to approve the contract. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(8) VOLUNTARY, NON-REGULATORY APPROACHES TO SMART GROWTH: Chairman Buchanan submitted an overview prepared by Dennis Desmond of the Land Trust for the Little Tennessee, which outlined the primary concerns of community leaders in Jackson County along with possible approaches. The consultant who did the study for Macon County is unavailable to assist Jackson County. Suggestions were made for contracting a consultant through Western Carolina University. The approximate cost for the study is \$10,000. This project will be assigned to the Planning Board for review and recommendations.

NEW BUSINESS

(9) TELECOMMUNICATION TOWER APPLICATION FOR PERMIT by CELLCO/d.b.a. VERIZON: Joan Stillwell reported that Cellco/Verizon proposes to construct a communications tower in the Balsam Community. Verizon has met all the requirements of the Ordinance with one exception. Because of the steep terrain, .36 acres is required rather than the .25 maximum stated in the Ordinance. She has talked with the property owners and they have no objection for the additional .11 acres. She also confirmed this change with Mr. John Arnold of Trigon, Consultants, who recommended approval of the application.

(10) JACKSON COUNTY MISSION CENTER: Rev. Paul Christy explained the need for a Jackson Community Mission Center that will house several not-for-profit or “helping” agencies (Community Table, Thrifty Table, Life Span, REACH (business office and thrift shop), American Red Cross, Mountain Projects, and Jackson Co. Humane Society). He stated the building should be approximately 20,000 sq. ft.

The agencies locating in the JCMC building would pay only their share of utilities, based on the square feet of space used, plus their own overhead costs. They will not be responsible for financing the land, building the facility or charged rent. Locating several agencies under one roof will allow them to substantially reduce operating costs, allowing more money to expand services for their clients. This project would change the way social services are provided in Jackson County. JCMC would like to build on the 40-acre site on Webster Road.

Commissioner Crawford stated that a master plan is being developed for the Webster property and JCMC’s request will be considered.

(11) SMOKY MOUNTAIN MENTAL HEALTH DISTRICT PLAN: Tom McDevitt, Area Director, gave an overview of Smoky Mountain Center’s local plan as mandated by the State’s “Blueprint for Change: State Reform Plan for Mental Health, Developmental Disabilities and Substance Abuse Services”. A Resolution will be presented for approval at the November 18, 2003 regular meeting.

(12) HAULING SERVICE AGREEMENT FOR MSW & RECYCLING: Mr. Westmoreland presented a proposed Contract with Kinsland Trucking, Inc. The Contract states MSW and C&D will be loaded into the same trailer and hauled to Homer, GA for \$325 per load; Recyclables will be hauled to Greenville, SC for \$375 per load; the Contractor will provide a second walking-floor trailer onsite for \$500 per month; and the term of the Contract would be for three years with a two-year extension.

(13) DSS SITE MASTER PLAN: Mr. Westmoreland reported that while working on the DSS facility and talking with the various utilities for service, it was determined that a master plan should be drafted for the entire site. The approximate cost for the plan would be \$25,000.

(14) RESOLUTION – ABANDONMENT OF KNOB CREEK ROAD

(SR1148): Ray Trine, on behalf of the property owners, presented a Petition signed by the Property owners requesting that a portion of Knob Creek Road be abandoned from the State’s maintenance system.

(15) RESOLUTION – COMPREHENSIVE TRAFFIC STUDY & PLAN

FOR NC 107: Jay Coward, on behalf of the Smart Roads Alliance and other interested citizens, addressed the Board and stated that he had petitions containing over 3,000 signatures of citizens who live, vote and own property in and around the proposed “Southern Loop”. He stated that all the municipalities have adopted resolutions opposing the Southern Loop and requested the Commissioners to do likewise. He stated that DOT is making a misguided effort because in October 1995 the Board of Commissioners adopted a Resolution requesting that the “1994 Jackson County Thoroughfare Plan be modified to indicate the anticipated crisis along NC 107, and also respectfully request assistance from NCDOT officials in developing the best solution to alleviate what may become unmanageable traffic jams when the Wal-Mart Super Store opens in Jackson County in April, 1996”. In January 1996 the Board adopted another resolution requesting DOT that the “. . .priority of the Jackson County Board of Commissioners is for the paving of the aforementioned unpaved secondary roads for alternative routes before taking land for roads not already existing”. DOT was requested to pave North and South River Roads that connect Hwy. 441 to Hwy. 107 before it considers alternative routes. He suggested that DOT should address the access plan first and then a possible bypass. DOT should work with the Economic Development Commission, Smart Growth Committee, other local organizations, and the Board of Commissioners when planning for new roads.

Chairman Buchanan stated he was opposed to the Southern Loop and the county should take a leadership role and help organize the planning process. He stated that the county has a Transportation Board, Smart Growth Task Force, and he suggested additional representatives be added from the municipalities, WCU, SCC, School Board, local NCDOT office, and other appropriate citizen groups. A revised Resolution will be presented for Board approval at the next meeting.

(16) RESOLUTION – CULLOWHEE GREENWAY CONNECTOR AND ENHANCEMENT AGREEMENT:

David Bates, Greenway Coordinator, presented an Enhancement Agreement and Resolution as required by NCDOT for construction of the Cullowhee Greenway Connector along Highway 107 in Cullowhee. Pursuant to the Agreement, NCDOT shall reimburse the County to the extent of 80% of the approved eligible costs up to the maximum federal amount of \$17,440.00.

(17) SCATTERED SITE HOUSING SUPPLEMENTAL GRANT

APPLICATION: This is an application for an additional \$200,000 grant. Commissioner McMahan moved to approve the application. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(18) APPOINTMENTS TO CASHIERS AREA COMMUNITY PLANNING COUNCIL: Joan Stillwell, Administrative Assistant, Planning Department, verified that the names on the list of volunteers submitted are residents of, property owners, or own businesses located in the Cashiers Commercial District. Pursuant to the Cashiers Commercial District Ordinance, seven members must be appointed.

Each Commissioner will make one appointment. For the remaining two members, each Commissioner will submit a name. Each Commissioner will then have 6 votes (3 for first choice, 2 for second choice and 1 for third choice), the Clerk will tabulate the votes and if there is a tie, the Chairman would vote to break the tie. The Board consented to this procedure.

(19) APPOINTMENTS TO CASHIERS AREA DESIGN REVIEW BOARD: Joan Stillwell, Administrative Assistant, Planning Department, verified that the names on the list of volunteers submitted are residents of, property owners, or own businesses located in the Cashiers Commercial District, and each is trained in or works in architecture, landscape architecture, or building construction. Pursuant to the Cashiers Commercial District Ordinance, five members must be appointed. Each Commissioner will make one appointment.

(20) APPOINTMENTS TO RECREATION & PARKS ADVISORY BOARD: Jeff Carpenter, Directors, Recreation Department, submitted a list of individuals who have volunteered to serve on the board. The appointments would be for a two-year term.

(21) DENTAL INSURANCE FOR RETIRED EMPLOYEES: The County's Group Health Insurance has never addressed dental coverage for retirees over the age of 65. Presently the county has 25 such employees, all are on Medicare and receive County provided AARP Medicare Supplemental Insurance and participate in the JSL Prescription Card. The cost for each retiree for dental coverage would be \$25.14 per month. The carrier has indicated that the county could open enrollment for this program. Retirees should be afforded the same benefits as active employees.

(22) JAIL FACILITY: Commissioner McMahan asked what the status was for moving inmates into the new facility. Chairman Buchanan stated that he had talked with the Sheriff earlier today and the Sheriff has scheduled November 3rd as the moving date because he must coordinate his staff so that security and safety procedures will be implemented.

The Magistrate's Office cannot be moved until October 27th because of computer and telephone issues. However, moving of the inmates has nothing to do with moving the Magistrate's Office.

The state issued a Certificate of Occupancy on September 23, 2003. The cost for housing inmates out of county is approximately \$500.00 per day. Discussion was had concerning inmate safety in the old jail since it has been condemned for many, many years. A recommendation was made for the inmates to be moved on Friday, October 17, 2003.

The Sheriff had given Chairman Buchanan a list of items that need to be completed prior to the move. Mr. Westmoreland addressed each item:

1. Computer carts for booking
Response: This is a convenience issue
2. Mount height chart
Response: Place height measurement chart on wall as in doctor's office
3. Install gate at top of stairs in pod control room
Response: A small chain could be place at steps
4. Install drinking fountains in pods
Response: Bottled water can be brought in
5. Install conduit or duct for TV cables in pods
Response: Not sure what is needed
6. Need means for inmate to access top bunk in D Pod
*Response: Do not use top bunk until ladder arrives (has been ordered);
At present there are 34-36 inmates; jail has 74 beds*
7. Secure roof hatch
Response: A lock can be purchased at Wal-Mart
8. Re-key door from Justice Center to holding cells
Response: This is a convenience issue
9. Seal the sally port floor
Response: This requires applying epoxy to floor

Commissioner McMahan moved that Chairman Buchanan draft a letter to the Sheriff stating that it is the desire of the Board of Commissioners that the inmates be moved into the new jail by October 21, 2003, 6:00 p.m., and if the Sheriff thinks that is an unreasonable time frame, then he should appear before the Regular Board of Commissioners Meeting on October 21, 2003, and address the issue. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(23) CULLOWHEE FIRE DEPT. CANEY FORK SUBSTATION: Mr. Westmoreland stated that the fire department had executed a contract with Morton Builders. The department also sent a budget for the Caney Fork Substation in the total amount of \$194,500. Discussion was had on how to pay for this project. Mr. Westmoreland will review the budget and make a recommendation to the Board at the next meeting.

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.

(24) PLANNING DIRECTOR: Chairman Buchanan moved to hire Linda C. Thomas as Planning Director/Ordinance Administrator at Pay Grade 70, Step 14 (\$44,800). Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

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

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Stacy Buchanan, Chairman