

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
APRIL 21, 2014**

The Jackson County Board of Commissioners met in a Regular Session on April 21, 2014, 6:00 pm, Justice & Administration Bldg., Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

Present: Jack Debnam, Chairman  
Doug Cody, Vice Chair  
Mark Jones, Commissioner  
Charles Elders, Commissioner  
Vicki Greene, Commissioner

Chuck Wooten, County Manager  
J. K. Coward, Jr., County Attorney  
Pat Parris, Clerk to Board

Chairman Debnam called the meeting to order.

**AGENDA:** Chairman Debnam amended the Agenda by deleting TWSA and Historic Preservation Commission appointments. Commissioner Greene moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

**MINUTES:** Commissioner Elders moved to approve the Minutes of the Regular Meeting of April 7 and Special Joint Meeting of April 14, 2014. Commissioner Greene seconded the Motion. Motion carried.

**(1) COUNTY MANAGER REPORT:** Mr. Wooten reported:

**(a) Unemployment Information - February 2014:** The unemployment rate for Jackson County in February 2014 was 6.5%. This is a decline from the January rate of 7.1% and is 4.0% less than the same period in 2013.

**(b) Rusty Mau Elected as Student Body President at NCSU:** Rusty Mau served as an intern in Jackson County during summer of 2012 and as an intern in Congressman Meadows' office last summer. Very pleased to see Rusty elected to this leadership position at NCSU and everyone who has come into contact with him believes he has a very bright future.

**(c) Identifying Recreation Projects from Duke Energy Rate Case Funding:** Representatives from Jackson County, Sylva, Dillsboro, Webster, and Duke Energy met on April 15<sup>th</sup> to review a list of possible projects. Hopefully, this list can be finalized and funds will be released in the very near future to allow these projects to move forward. The original funding was in the amount of \$350,000 and those funds were placed in an interest bearing reserve funds and now total approximately \$425,000.

**(d) Jackson County ABC Board:** He received notice from the NC ABC Commission that they approved the joint merger resolution between Jackson County and the Town of Sylva at their meeting on April 16<sup>th</sup>; therefore, this organization will officially begin as of May 1, 2014 and once all board appointments have been made then an organizational meeting can take place.

**(e) Open House and Ribbon Cutting for SMHS Fine Arts and Gymnasium:** This event will be on Sunday afternoon, May 4<sup>th</sup> from 2:00 pm until 4:00 pm.

**(f) County Assembly Day:** The NCACC is sponsoring their annual legislative briefing on May 28, 2014 in Raleigh. During the morning an update on legislative actions will be provided as well as presentations by legislative leadership. Please let him know if you would like to attend this event.

**(g) Cashiers Chamber Presentation:** He has been invited by the Cashiers Chamber to make a presentation on County activities and this will take place on Thursday, April 24<sup>th</sup> at the Albert Carlton Library at 5:00 pm. This will be an opportunity to talk about the upcoming revaluation, fire tax, committee appointments, Jackson County ABC Board, and Economic Development.

**(h) FY 14-15 Budget Preparation:** Darlene Fox and he have been meeting with department heads and other agency personnel to review their budget requests for the upcoming budget. He will be finalizing those meetings over the next couple of weeks as he moves toward the preparation of a draft budget for Board consideration. The May work session will be devoted to the FY 14-15 budget.

**(i) Capital Projects:** The contractor will mobilize again at the greenway site and begin work on April 28<sup>th</sup>. The bridge project bids are due on April 24<sup>th</sup>. Bids will be received on the 911 Call Center/EOC on April 30<sup>th</sup>.

**(2) CONSENT AGENDA:** Darlene Fox, Finance Director, presented Finance, Tax Collector and Refund Reports for March 2014 and 2 budget amendments.

**Motion:** *Commissioner Cody moved to approve the consent agenda. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(3) JUSTICE CENTER NEEDS ASSESSMENT:**

Advisory Committee members:

Judge Bradley Letts, Ann D. Melton, Clerk of Court, Chuck Wooten, County Manager, J. K. Coward, County Attorney, Christina Matheson, ADA, Chad Parker, Public Works Director, Tony Elders, Permitting & Code Enforcement Director, Jimmy Clawson, Lieutenant/Courts. Consultants: Doug Kleppin of Heery International, Inc. Mahaley Odell Thompson, Architect.

Judge Letts stated there is not enough space for court and court related activities in the Justice Center. The facility is dangerous for everyone involved because security is almost nonexistent and people with physical disabilities cannot easily participate in judiciary proceedings as the law requires. The facility must have ADA compliant space.

Mr. Kleppin presented a comprehensive and cost efficient plan to reconcile current space and functional deficiencies in the Justice Center, as well as plan for future growth of the judicial system. The Needs Assessment represents a comprehensive look at the historical, current and future staffing data, operational model, contextual overviews, and concepts for building expansion. The design team utilized a customized survey to collect data to operations, organizational structure, FTE staff counts, types of spaces, departmental adjacencies, anticipated future changes and parking requirements. Space utilization was used to project both staffing and space needs for a ten year horizon. This was then translated into a building area that would be required to meet the County's needs by 2024. The design team assessed the existing infrastructure, mechanical system, electrical system, security operations, wayfinding and accessibility compliance. The design team also assessed the building to determine the potential capacity to meet the demands for future growth. The projected space needs for 2024 exceed the available building area by 35,365 gross building feet, necessitating some building expansion space in the future.

### **Existing Building Assessment:**

- The Justice Center is not well secured. The current layout compromises the three district circulation systems creating security issues with the building. In addition, there is no comprehensive screening of the public.
- The existing building systems are at or near the end of their effective life spans. These systems have inherent inefficiencies and the engineering of these systems are causing humidity control concerns.
- The existing building load bearing masonry walls flank the large courtroom and support the roof structure. Any renovation, removal or penetration of these walls becomes difficult and expensive to achieve.
- There are challenges to wayfinding that include multiple entries, internal circulation with no reference point, and non-distinct mixture of county and judicial functions throughout the building.
- There are accessibility deficiencies noted throughout the building. There is no public accommodation within the court system for the spectator, witness, and jurist.
- Aesthetics of the existing facility is a general concern among the stakeholders. There is a consensus that the current facility does not project a suitable image for a civic judicial building.

**Administrative Hearings Courtroom:** Administrative Law Judge Julian Mann and Judge Randall May stated the NC Office of Administrative Hearings has expressed interest in establishing a permanent courtroom to have presence in Western North Carolina. Currently, there are only two satellite offices outside of Raleigh, one in High Point and the other in Charlotte. This courtroom could be used to hear issues concerning alcoholic beverage control, public employment, certifications of need for hospitals, workers compensation, environmental permitting/penalties, and other hearings.

**Historical Numbers and Statewide Filing Trends:** Judge Letts stated that in 1993 there were 6,394 cases filed; by 2013 that number jumped to more than 10,000; in 2010 there were 13,345. He attributed the decline to the economic downturn and presented data that indicated case filings will rebound in response to better financial times.

**Security Issues:** Special Agent Shannon Ashe, NCSBI, stated that today's standards for site and building security require a comprehensive change in the culture of conducting courts and government. The current campus does not differentiate between staff and public parking and does not provide any secured parking for judiciary or elected officials. There are no standoffs from the building perimeter allowing non-screened public vehicles to park within ten feet of the building. The entrances also have no form of vehicular barrier either natural or landscape. The parking areas have insufficient lighting and no security cameras to monitor parking areas. The entrance doors exhibit considerable age and deterioration and it has been reported they do not currently lock properly. Additionally there is no ballistic glazing on any of the perimeter windows. There are currently three separate points of entry and no security screening at any of the entries. Security screening currently occurs at each courtroom vestibule, but this placement does not catch visitors to any of the other departments/agencies within the building. The volatile nature of domestic mediations and financial transactions and the lack of public screening place staff and public at risk. The primary deficiency of the current facility is the lack of separate circulations for participants. Best practice would provide discreet paths for public, private (judiciary and staff) and secure (in-custody) circulation.

The Needs Assessment recommends that the County develop a weapons and screening policy particular to the needs and threat level of the facility. A single designated building entry with security screening for the public is recommended as a minimum measure. Staff screening could occur either at the same location or by means of card access at another entry or some other less stringent security measure. For optimal security, he proposed a design solution that would separate the circulation paths of the primary user groups into the following categories: private, public and secure. These should be separated throughout the building and the only interaction would occur within the courtrooms.

Mr. Kleppin presented the following:

**Expansion Options:**

- **Option A.** Locate a court addition behind the Justice Center to the southwest. A new entry pavilion would be located to the northwest of the existing facility, creating a single point of entry for security screening. Retain the existing large courtroom on Level 2. One new courtroom would be located on Level 1 of the addition and two new courtrooms would be located on Level 2. Alternate to Option\_A would be a three story court addition with the lower level utilized for secure parking. The existing large courtroom would still be maintained and three new courtrooms would be located in the court addition.
- **Option B.** Locate a court addition in front of the Justice Center to the northeast. A new entry pavilion would be located at the northeast corner creating a single point of entry for security screening. This option retains the existing large courtroom on Level 2. Two new courtrooms would be located on Level 1 of the addition and one new courtroom would be located on Level 2. Locating the court addition provides the opportunity to re-image the Justice Center.
- **Option C.** Locate an administration addition either on site or at a satellite location. This option assumes that the existing facility could be renovated to include additional courtrooms and could accommodate increased security measures. There is the possibility to locate four courtrooms within the existing building. However, because the building was not originally designed to this accommodation, significant structural modifications would have to occur. It would be an inefficient use of the existing building and would not necessarily solve all of the wayfinding and security issues that are currently present.

**Expansion Strategies:**

- The purpose-built courtroom addition would easily accommodate the requirements for contemporary courthouse planning; structural bay spacing, security, etc. The existing building could continue to house a large courtroom but with modifications to retrofit the space for additional spectator seating capacity, meet ADA guidelines for public accommodations, improve technology, acoustics and sight lines within the well.
- Any future addition should seek to intersect the rich heritage of Jackson County with an architectural response that pays homage to the historical precedents within the region including the 1914 Historic Courthouse. A new addition fronting the existing building provides the County with an opportunity to re-image the campus and create a Justice Center that embodies the symbolic ideals of the justice system.
- The proposed three story addition would be dedicated to courtrooms, court support, inmate delivery, Clerk of Court operations, and new building lobby accommodating a central security screening checkpoint for the public to access the building. The existing building can then accommodate expansion for county administrative functions as well as some Justice functions.

**Action Plan- Recommendations:**

- Add a purpose-built justice addition that would address all of the current court security and courtroom accessibility deficiencies. The scale and location of the expansion allows for a new building image and front door that can transform public perception.
- The campus can accommodate growth for both building and parking expansion without compromising the ability for the other functional components on site to expand.
- An addition would be best served as an expansion to justice operations.
- The existing building could continue to house the programmed large courtroom with modifications.
- The current Register of Deeds operations with its two story vault would remain in its current configuration.

Mr. Wooten stated that Heery Associates was hired to prepare a study. The next step is more studies and the County is still not close to putting a shovel in the ground and the Board could certainly seek other options.

Mr. Coward stated that Judge Letts has very diplomatically brought this issue to the Board's attention. Heery International has given detailed ideas of what could happen and the numbers are real. There is a lot more going on in the courthouse right now than was ever expected 20 years ago. This involves two decently different branches of government - legislative and judicial. The NC Supreme Court has analyzed what the situation is and the Board has a duty, as a county commission, to provide a courthouse for the court system. The court system does not build its own courthouses, but the judges who hold court in those courthouses have the ability to basically inform county commissioners it is now time to build another courthouse or renovate the one they have because it has become inadequate. The judicial branch of government is telling the legislative branch of government that something must be done and it is not optional. This issue is not something that can be put off or just continue to think about, the Board has been requested by the resident Superior Court Judge to start thinking, planning and building.

(4) **AUDIT CONTRACT:** Dixon Hughes Goodman LLC submitted a contract for the audit period beginning July 1, 2013 and ending June 30, 2014. The audit fee is \$76,000 for preparation of financial statements and does not reflect an increase from last year.

***Motion:** Commissioner Jones moved to approve the contract. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

(5) **TRANSIT DEPT. – VETERANS GRANT:** Mr. Wooten requested that Jackson County commit to joining Macon, Clay, Cherokee and Swain in coordinating an intra-county transit system. The initial up front start up cost is \$21,000. The \$15,000 annual costs will be included in Transit's FY2014-15 budget requests.

***Motion:** Commissioner Cody moved to approve the request with the initial funding of \$21,000 from the General Fund. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(6) SOLID WASTE ORDINANCE AMENDMENTS:** A public hearing was held on April 21, 2014 at 5:40 p.m. and no public comments were made.

***Motion:*** *Commissioner Greene moved to adopt the amendments. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(7) SUBDIVISION ORDINANCE AMENDMENT:** A public hearing was held on April 21, 2014 at 5:50 p.m. and no public comments were made.

***Motion:*** *Commissioner Greene moved to adopt the amendment. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(8) SURPLUS PROPERTY RESOLUTION (R14-06):** Darlene Fox, Finance Director, submitted a Resolution describing county equipment that has been removed from service and is not needed or desired by other departments. She requested that the personal property, three Ford Crown Victoria vehicles, be declared surplus and authorized for sale. NCGS 160A-266-270 authorizes the County to dispose of personal property by private negotiation, public auction either live or electronic, sealed bid or upset bid process. Southwestern Community College Division of Public Safety has offered to purchase the surplus equipment for \$1,000 each which is a fair and reasonable price.

***Motion:*** *Commissioner Jones moved to adopt the Resolution. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

**(9) JACKSON COUNTY ABC BOARD:**

***Motion:*** *Commissioner Greene moved to appoint Thomas Albert to a 1-year term ending June 30, 2015, Donald Ferguson to a 2-year term ending June 30, 2016, and David Noland for a 3-year term ending on June 30, 2017, on the Jackson County ABC Board. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

**JACKSON COUNTY ABC BOARD CHAIRMAN:** Pursuant to a joint Resolution adopted on April 21, 2014, “the Chairman shall be appointed jointly by mutual agreement by the County and the Town on an annual basis from the membership of the ABC Board”.

***Motion:*** *Chairman Debnam moved to recommend David Noland to a one year term as Chairman of the Jackson County ABC Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**(10) BOARD OF EQUALIZATION & REVIEW:**

***Motion:*** *Commissioner Jones moved to reappoint Gail Cooper, Robert Edwards, Richard Robson, David Noland and Hart Goodson to 1-year terms on the Board of Equalization & Review. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

**Motion:** *Commissioner Elders moved to reappoint Gail Cooper to a 1-year term as Chair of the Board of Equalization & Review. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

**Informal Comments by Public:**

(a) Marie Leatherwood of Sylva stated her disapproval of actions by the Board.

**Press Conference**

**CLOSED SESSION:**

**Motion:** *Chairman Debnam moved that the Board go into closed session pursuant to G.S. 143-318.11(a)(5) Real Property and G.S.143-318.11(a)(6) Personnel. Commissioner Elders seconded the Motion. Motion carried.*

Chairman Debnam called the regular meeting back to order and stated no action was taken in closed session except approval of the Closed Session Minutes of March 17, 2014 and accepted the resignation of Pat Parris as Clerk to Board.

There being no further business, Commissioner Cody moved to adjourn the meeting. Commissioner Greene seconded the Motion. Motion carried and the meeting adjourned at 8:20 p.m.

Attest:

Approved:

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Patsy C. Parris, Clerk to Board

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W. J. Debnam, Chairman