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Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 7, 2011**

The Jackson County Board of Commissioners met in a Regular Session on November 7, 2011, 2:45 pm, Justice & Administration Bldg, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Jack Debnam, Chairman	Chuck Wooten, County Manager
Doug Cody, Vice Chair	J. K. Coward, Jr., Co. Attorney
Charles Elders, Commissioner	Evelyn Baker, Clerk to Board
Mark Jones, Commissioner	
Joe Cowan, Commissioner	

Chairman Debnam called the meeting to order.

AGENDA: Chairman Debnam amended the Agenda by adding Duke Energy Property. Commissioner Elders moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Regular Meeting of October 17, 2011 and Work Session of October 24, 2011. Commissioner Elders seconded the Motion. Motion carried.

(1) **CHAIRMAN'S REPORT:** Chairman Debnam stated a Work Session is scheduled on November 14th at 1:00 p.m. to discuss room occupancy tax and capital projects.

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

(a) **Cullowhee Fire Dept.:** The Cullowhee Fire Dept. was notified today that the Dept. of Insurance has given it a new rating of 6/9E rating which means lower homeowners' fire insurance premiums in that fire district.

(b) **Unemployment Rates:** In September the unemployment rate for Jackson was 8.1% which is less than the August rate of 8.4%.

(c) **Residential Building Permits:** A recent report of building permits for the western region of North Carolina gives a summary and comparison for residential building permits since 2005. In 2005, Jackson County issued 542 residential building permits; however, through the third quarter of 2011 only 81 were issued. Utilizing the 2010 activity, it is estimated that the total 2011 residential permits will be approximately 100 or 400+ less than 2005 and 57 less than 2010. The stagnant building industry has a negative impact to the county – loss of jobs, reduced retail sales, less sales taxes, less growth in the tax base, etc. Discussions are underway with the Planning and Inspections department heads to review staffing levels in relation to current permit activity as well as the consolidation of enforcement and permitting activities into a single department.

(d) Jackson County Crime Prevention Council (JCPC): The County receives state funding to support a number of local entities who are part of the JCPC. Funding was received in a past budget for the purchase of a van which was assigned to Project Soar. Project Soar no longer has need for the van and two other entities (Aspire Youth & Family, Inc. and Hights, Inc) have been identified to utilize the van. An agreement has been developed to transfer use of the van and associated costs to those agencies. In the event either or both entities cease to exist, the van will be returned to the County and reassigned to another JCPC agency.

(e) Personnel Privacy Statutes – Legislative Changes: Effective October 1, 2010 there are a number of changes in the personnel privacy statutes. As things now stand, the vast majority of information in an employee's personnel file is subject to the public records laws. The two most significant changes include access to the written notice of final decision concerning a dismissal of an employee and access to the written basis for any promotion.

(f) Employee Christmas Luncheon and Service Recognition: The luncheon is scheduled for December 2nd in the Heritage Room at the Senior Center with lunch beginning at noon. County offices will be closed from 11:30 am to 2:30 pm.

(g) Housing Dept.: John Ashe has announced his retirement effective January 1, 2012. He has 30+ years of experience, managed the housing program, and is one of three employees in that department. Jackson County is one of the few counties that administers the program. Presently, Mountain Projects manages the program for Haywood County and has expressed an interest in discussing the possibility of managing the Jackson County program. The FY 2011-12 annual budget includes a transfer of \$70,220 to the housing program for administrative costs. If the program is outsourced, it would be without any cost to the County resulting in a savings of the funds currently contributed. The housing program presently assists 302 households and approximately 575 individuals; 169 landlords receive rent payments from this program totaling approximately \$1.4 million. This program is very important to the citizens who receive assistance as well as the local economy. The Housing Dept. is located in the Han House on Grindstaff Cove Road so there is the added potential to generate savings by eliminating the rent at the end of the current lease.

(h) Agendas: During the organizational meeting in December 2010, the Commissioners agreed to establish agendas one week in advance of each regular meeting. However, in an attempt to be more accommodating to people who want to be placed on the agenda, the deadline has been delayed by a couple of days. Effective with the November 21st agenda, the schedule established by the Commissioners will be adhered to and the final agenda will be ready for distribution by the close of business one week before the scheduled Board meeting. Amendments to the agenda will be limited and only for items that are an emergency or possess a time sensitive date.

(i) Recycling Sensitive/Important Records: An inquiry was recently made about providing shredding service for all citizens on an occasional basis for the disposal of sensitive or personal records. Chad Parker is talking with a couple of vendors who have large shredders mounted on trucks that can accommodate large disposal of these records.

(j) Mark Watson Park: The sod for the outfield is in place and the fence is under construction. The change order to improve drainage from Savannah Drive will begin shortly.

(k) Cashiers Rec Center Site Project: The fire pump station was tested and the water flow was measured on November 2nd. The single largest outstanding item on this project is the correction required to the sewer line to obtain the necessary fall to meet state standards. Hopefully, this project can be closed by the end of the calendar year.

(l) Cashiers Recreation Center Construction: Notice to proceed was given to the general contractor on October 25th and the anticipated construction period is 365 days. Footings are almost in place so the general contractor is off to a good start.

(m) NCACC Budget and Tax Survey: The NC County Commissioners Association is preparing to release its annual budget and tax survey which will provide some excellent benchmarking information between counties.

(n) **Advantage West Economic Summit:** November 14th 5:30 pm at the Diana Wortham Theatre in Asheville.

(o) **TWSA Annual Meeting:** December 13th, 6:00 pm at TWSA Business offices. The meeting will include representatives from all the forming entities.

(3) **CIVIL PROCESS FEES:** On September 6, 2011, at the Sheriff's request, the Board increased the out-of-state civil process fees from \$50.00 to \$100.00. At that time he requested that the additional fee revenues be used to fund an additional part-time contract civil process service person. Mr. Wooten stated \$85,000 is currently budgeted; however, it does not appear that the budgeted amount will be met even with the fee increases. Because the Sheriff was not present, this issue was carried over.

(4) **TRANSIT DEPT. - DRUG & ALCOHOL POLICY CHANGES:** Chuck Norris, Transit Director, stated that in order to comply with Federal Transit Administration regulations, the following changes must be made in four areas of the Drug & Alcohol Testing Policy.

(a) Substance Abuse Profession to include a "state-licensed marriage and family therapist";

(b) Prohibited Substances: add "Ecstasy";

(c) "Applicant consent to obtain FTA drug and alcohol records from all previous DOT covered employers that the applicant has worked for within the last two years. Ask all applicants if they have tested positive or refused to test on a pre-employment test for a DOT covered employer with the last two years";

(d) Remove the statement: "However, under the Jackson County Transit's authority, a random alcohol test may be performed any time the covered employee is on duty".

Motion: Commissioner Elders moved to approve the amendments to the Jackson County Transit Drug & Alcohol Testing Policy. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(5) **LIBRARY LEASE - FONTANA REGIONAL:** The Lease is for the Jackson County Library and Historic Courthouse complex in Sylva for the sum of One Dollar per year for a term of ten years. The Lease states that alcoholic beverages are not permitted in the facility. Mr. Coward recommended that the Lease be approved.

Motion: Commissioner Cody moved to approve the Lease. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(6) **GLENVILLE-CASHIERS RESCUE SQUAD AMBULANCE CONTRACT:** The contract renewal is for ambulance service for the period of July 1, 2011 through June 30, 2015 at a cost of \$500,000 per year payable in equal monthly installments. Mr. Coward recommended that the contract renewal be approved. Mr. Wooten stated audits and annual reports will be provided to the county on a timely basis. Commissioner Cody recommended that Paragraph 5 be amended to read "Board meetings are to be advertised and open to the public".

Motion: Commissioner Elders moved to approve the contract renewal contingent upon Paragraph 5 being amended to read "Board meetings are to be advertised and open to the public". Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(7) **SURPLUS VEHICLES**: Darlene Fox, Finance Director, requested that two vehicles, 1996 Ford Aerostar Van and a 1995 Ford Truck, each having in excess of 100,000 miles and requiring repairs, be declared surplus and authorized for sale.

Motion: *Commissioner Cody moved to declare the two vehicles surplus and offered for sale. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(8) **DUKE ENERGY PROPERTY - EMERGENCY MANAGEMENT FUND**: Mr. Wooten stated Duke Energy has agreed to accept the sum of \$350,000 for 7.03 acres located on US 441 plus all improvements. The purchase price is available in the Emergency Management Capital Improvement Fund. The plans are to move the entire Emergency Management Dept. to the site. Closing to be scheduled on or before the end of December 2011.

Motion: *Commissioner Cowan moved to authorize the execution of a contract to purchase the property and improvements for the sum of \$350,000 from the Emergency Management Capital Improvement Fund. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(9) **GUDGER HILL ROAD RESOLUTION (R11-22)**: Roy Osborn, presented a petition signed by property owners adjoining Gudger Hill Road requesting that an additional .06 miles be added to NCDOT's maintenance system.

Motion: *Commissioner Jones moved to adopt the resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(10) **TWSA – AMENDMENT TO BY-LAWS RESOLUTION (R11-23)**: The TWSA by-laws require approval by all appointing governing boards before the by-laws can be amended. TWSA Board of Directors requested the county to adopt a resolution and ratification to amend Article III, Section 1, as follows:

“The annual meeting of the Authority shall be held on the first Tuesday of the month of March of each year at the hour and place as shall be designated in the notice for the meeting.”

Motion: Commissioner Cody moved to adopt the resolution and ratify the amendment to the by-laws. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(11) **CULLOWHEE and CASHIERS VFD – FIRE DISTRICT BOUNDARIES RESOLUTION (R11-24)**: Alan Farmer, Fire Marshal, presented revised fire district maps for Cullowhee and Cashiers Volunteer Fire Departments which reflect additional areas. The fire departments have approved the maps. The Dept. of Insurance, Office of the State

Fire Marshal, will only recognize a five-mile drivable area from the fire stations; however, Jackson County has previously adopted a six-mile extended district.

***Motion:** Commissioner Elders moved to adopt the resolution revising the fire district boundaries for the Cullowhee and Cashiers Volunteer Fire Depts. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(12) CDBG GRANT -NC TOMORROW PROJECT RESOLUTION (R11-25): The resolution authorizes the county manager to file an application to secure funds for the NC Tomorrow Project. The \$50,000 grant will be used by the Southwestern Commission for assistance in preparing an economic development strategy for Jackson County and the seven western counties which will ultimately be meshed into a statewide plan. A public hearing was held at 1:45 p.m. on November 7, 2011, and no public comments were made.

***Motion:** Commissioner Jones moved to adopt the resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(13) ORDINANCE DESIGNATING THE HOOPER HOUSE AS A LOCAL HISTORIC LANDMARK: Gerald Green, Planning Director, stated the Historic Preservation Commission has recommended that the Hooper House be designated as Jackson County's first historical landmark. The designation report has been reviewed and approved by the State Historic Preservation Office. A public hearing was held on November 7, 2011 at 1:30 p.m. and no public comments were made.

***Motion:** Commissioner Elders moved to adopt the Ordinance. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

(14) SOLID WASTE BOARD:

***Motion:** Chairman Debnam moved to appoint Bill Sparks to fill the unexpired term of Darrell Fox on the Solid Waste Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(16) COUNCIL ON AGING:

***Motion:** Commissioner Jones moved to appoint Ron Yount and Pat Buckner to 3-year terms and Annette Herstek for term of employment and on the Council on Aging Board of Directors. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(17) SAVANNAH FIREMEN'S RELIEF FUND BOARD OF TRUSTEES: The relief fund is used to assist firemen and/or their family who have been injured or killed during a fire call or training exercise. Pursuant to N.C.G. S. 118-6, the Board of Commissioners is required to make two appointments, one for two years and one for one

year. The Savannah Fire Department recommended that Chris Bowers be appointed for a 2-year term and Nick Berndt be appointed for a 1-year term.

Motion: *Commissioner Cody move to appoint Chris Bowers for a 2-year term and Nick Berndt to a 1-year term on the Savannah Fire Dept. Relief Fund Board of Trustees. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

INFORMAL COMMENTS BY PUBLIC:

(a) Marie Leatherwood, Sylva, expressed her concerns about the costs for construction of the Cashiers Recreation Center because a portion was taken from the fund balance instead of paying down the Sylva Library loan and saving interest. Further, the ordinances regulating development should not be revised.

(b) Margo Gray, Webster, stated she loves dogs, is involved with the Kennel Club, trains and competes with her dogs. She does not allow her three dogs to cause a nuisance to her neighbors. She has lived in her house for 16 years and for the past 15 months has been bombarded noise from a neighbor's dogs who bark incessantly. She has offered assistance to the neighbor to help control the barking to no avail. The noise pollution has detrimentally affected her life. She requested the Board to consider removing the word "pets" exemption from the Noise Ordinance.

PRESS CONFERENCE

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Cody seconded the Motion. Motion carried and the meeting adjourned at 4:00 p.m.

Attest:

Approved:

Evelyn Baker, Clerk to Board

W. J. Debnam, Chairman