

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MARCH 19, 2012**

The Jackson County Board of Commissioners met in a Regular Session on March 19, 2012, 6:00 pm, Justice & Administration Bldg, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Jack Debnam, Chairman
Doug Cody, Vice Chair
Charles Elders, Commissioner
Mark Jones, Commissioner
Joe Cowan, Commissioner

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

Chairman Debnam called the meeting to order.

AGENDA: Commissioner Jones moved to approve the Agenda. Commissioner Elders seconded the amended Motion. Motion carried.

MINUTES: Commissioner Elders moved to approve the Minutes of the Public Hearing, Regular Meeting and Work Session of March 5, 2012. Commissioner Cowan seconded the Motion. Motion carried.

(1) CHAIRMAN'S REPORT: Chairman Debnam reported that he has attended several meetings with the TTA Committee. He has spoken to various members of the Smoky Mountain Mental Health Board concerning moving its offices; however, it is difficult to say what direction that Board will take.

(2) COMMISSIONER REPORTS:

Commissioner Jones reported he attended a meeting with the Council on Aging and received some encouraging news for FY2010-11. He commended the volunteers who assisted with various programs such as Adult Day Care, Project Fire, Congregate Meals, Meals on Wheels, etc. Those citizens logged almost 9,000 volunteer hours. The skills those volunteers provide and the savings to the county is amazing.

Commissioner Elders stated he is committed to Smoky Mountain Mental Health remaining in Jackson County. He encouraged everyone who is opposed to the potential move from Jackson County to contact state Legislators.

(3) COUNTY MANAGER REPORT: Mr. Wooten reported:

(a) **Tuckasee Mills Bldg.** A potential tenant toured the facility last week.

(b) **AdvantageWest:** He attended a meeting of economic development managers from counties in the AdvantageWest service area. The meetings offer an opportunity to establish relationships with other counties and to hear about opportunities in the region. The Technical Assistance Director for NC Broadband will be visiting the county in the near future to discuss options for utilizing the Metrostat assets.

(c) **Metrostat Assets**: He met with a group from Andrews who have formed a non-profit organization to provide wireless internet service in Andrews Valley. Jackson County may have a similar opportunity. He has met with representatives from Region A and NC Dept. of Commerce to discuss options.

(d) **Community Garden**: Adam Bigelow has requested a lease for County property located off Painter Road in Cullowhee so he can begin developing a garden project. It was the consensus of the Board for Mr. Coward to prepare a lease.

(e) **Upcoming Events**:

WCU Chancellor: The County will be sponsoring an event on March 26th, 7:00 pm at the old courthouse as part of Chancellor Belcher's installation activities.

NCACC Regional Meeting: April 11th 5:30 pm in Asheville.

Southwestern Commission Region A: March 26th

Transportation Funding Challenge NCDOT: March 20th in Asheville. Gerald Green will be attending to represent the county.

Budget Work Session: March 26th 9:00 am., Justice Center, Room A227

(4) **CONSENT AGENDA**: Darlene Fox, Finance Director, presented Finance, Tax Collector and Refund Reports for February 2012 and three budget amendments. The Tax Collector refunded \$1,393.96 in the month of February for a total of \$340,622.85 for the year.

Motion: *Commissioner Jones moved to approve the Consent Agenda.*

Commissioner Cody seconded the motion. Motion carried by unanimous vote.

(5) **FOOD SERVICE & KITCHEN MANAGEMENT CONTRACT – B & AI's LLC**: Mr. Coward presented a revised Food Service & Kitchen Management Contract. A copy has been delivered to John Faulk. The contract is ready for signatures pending no further changes by Mr. Faulk.

Motion: *Commissioner Jones moved to approve the contract contingent upon there being no further changes. Commissioner Elders seconded the Motion.*

Motion carried by unanimous vote.

(6) **AIRPORT AUTHORITY**: Mike Schoonover stated the NCDOT has approved three projects: Runway Widening, Enlarge Runway 15 Turnaround and Apron Expansion. The new grants for the projects require a new local match in the amount of \$65,100. Federal and State funding will pay for 90% of the costs for the projects and the local match is 10%. W. K. Dickson, Engineers, will oversee the project.

Motion: *Commissioner Cody moved to appropriate up to \$65,100 from the General Fund to the Jackson County Airport Authority as local matching funds.*

Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(7) **WRGC & JACKSON PAPER UPDATES**: Mr. Coward stated:

(a) **Jackson Paper**: The loan closed last week. The County participated with the Sequoyah Fund of Cherokee. The Sequoyah Fund is designated as the original lender and the County as the participating lender. The loan was for a total of \$500,000 (\$250,000 from each entity). As collateral, the County holds a deed of trust on 35 acres including all improvements, but does not include equipment. He was of the opinion the County has adequate collateral.

(b) **WRGC**: The FCC approved the transfer of the license on 3/13/12, the date of the Consent of Assignment from Georgia Carolina Radio Broadcasting Co. to 540 Broadcasting Co. Inc. The 52-page document which covers everything that needs to be considered about the license and the County's participation as a lender has been thoroughly reviewed. The County would have a collateral interest in everything but the FCC license. The FCC has given 540 Broadcasting 90 days to complete all other licensing requirements. Even though the FCC does not expect the transaction to be finalized in less than 90 days, he thinks it can be done. Now that the FCC has given official consent, 540 Broadcasting can possibly get up and running on a temporary basis fairly soon. Part of the discussion in the past has been the possibility of needing additional collateral. The County requested and the corporate officers/owners consented to giving personal guarantees. The County would have an interest in the leasehold, a security interest in all equipment, furniture and fixtures, accounts receivable, any contracts the company may have with any outside parties, and a lien interest in trademarks and electrical property. If the company defaults, the County cannot attempt to sell the FCC License, but the documents appear to put the County in a position to certainly be the strongest party who could do something about the future disposition of the license. The Board should strongly consider requiring some real property as security because \$289,000 is a large amount of money to lend without having sufficient collateral. He stated he did not know the value of the equipment, transmitter or tower.

Mr. Coward and Mr. Wooten will attempt to ascertain the equity in the equipment, transmitter and tower and present same at the next Board meeting.

(8) METROSTAT ASSETS: Mr. Wooten stated that the Chalet Inn has submitted a proposal of \$10,500 to purchase the tower on Kings Mountain plus all associated antennas, building and equipment, the fiber optic line feeding the tower, and all the associated/ancillary equipment, power hook-ups to operate/maintain tower operations as well as associated right-of way(s) and pole attachments.

Based upon recent inquiries from a couple of interested parties, it would be in the best interest to delay a decision on selling the tower until it can be determined if the tower might be the first step in developing a countywide wireless system that could serve more people across the county. He has talked with BalsamWest about connectivity to its system since the fiber to the Kings Mountain tower is in close proximity to its fiber. He is optimistic that the fiber can be activated which could allow the county to offer a short term lease to Mr. Ware to make the system functional for his business while the assessment is being completed. He suggested approval of a short term lease and is confident the Town of Sylva would support such action.

(9) WCU CHANCELLOR BELCHER RESOLUTION (R12-08):

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

(10) SEDIMENT CONTROL APPEALS BOARD:

***Motion:** Commissioner Jones moved to appoint William Owen to a 4-year term on the Sediment Control Appeals Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(11) BOARD OF EQUALIZATION & REVIEW: Bobby McMahan, Tax Assessor, stated that Gail Cooper, Richard Robson, Robert Edwards, David Nolan and Hart Goodson have agreed to continue to serve if reappointed.

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

***Motion:** Commissioner Elders moved to reappoint Gail Cooper as Chair of the Board of Equalization & Review. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(12) ECONMIC DEVELOPMENT PROJECT ADVISORY COMMITTEE:

The temporary advisory committee will work with the consultants, Ridge Top Associates, to move the economic development project forward. The committee will be comprised of representatives from the following businesses and institutions:

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| Jackson Paper | Stanberry Insurance |
| High Hampton Inn | Duke Energy |
| Ben Granning Landscaping | Western Builders |
| Town of Sylva | Southwestern Commission |
| WCU | SCC |
| Appalachian Funeral Home | Jackson County Board of Commissioners |
| EBCI Economic Development Director | |

***Motion:** Commissioner Cowan moved to approve the businesses and institutions. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

The businesses and entities will be contacted for names of their representatives.

INFORMAL COMMENTS:

- (a) Marie Leatherwood of Sylva stated her dissatisfaction with the Board.
- (b) Rick Norris of Qualla stated he is a self-employed business man from the Whittier/Qualla area and expressed his concerns about the US 441Development Ordinance. Rules and guidelines are needed, but he is opposed of some of the restrictions concerning signage and franchise owners. He also requested that the county complete the water and sewer system in that area and provide some incentives.

PRESS CONFERENCE

There being no further business, Commissioner Cowan moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 7:30 p.m.

Attest:

Approved:

Patsy C. Parris, Clerk to Board

W. J. Debnam, Chairman