

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 18, 2012**

The Jackson County Board of Commissioners met in a Regular Session on June 18, 2012, 6:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

Present: Jack Debnam, Chairman
Doug Cody, Vice Chair
Mark Jones, Commissioner
Charles Elders, 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 Elders moved to approve the Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Elders moved to approve the Minutes of the Work Session, two Public Hearings and Regular Meeting of June 4, 2012. Commissioner Jones seconded the Motion. Motion carried.

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

(a) **Records Retention:** In responding to a public records request a weakness was discovered in records retention procedures. Several years ago, the County changed its enterprise email system from a local internet provider to Gmail. This modification offered email service to the County at no cost; however, the system did not provide some features that should have been in place and one of the most critical missing features was archiving of historical email records. The system allowed emails to be received on a Gmail server and then transferred the message to an Outlook account on the individual desktop. In essence it was a redundant system; however, there was no automatic backup and email messages could be deleted. In order to remove all emails, an individual had to delete the email from both the outlook account on their desktop computer and delete the email from the Gmail account. Email is just as much of a public record as a hard copy letter and should have been retained in accordance with guidelines issued by the NC Department of Cultural Resources. As soon as the problem was identified, the IT staff began a search for a solution that would archive emails. Their recommendation was an application through Google Apps for Governmental Services which provides an archiving service for 10 years at an annual cost of approximately \$31,000. A contract for this service was entered into and was in place as of Friday, June 15, 2012. The contract is an annual service agreement and the County is not committed for the long term if a better solution is identified. Department Heads were reminded last week about maintaining emails in accordance with the prescribed records retention guidelines. During July, a comprehensive public records policy for all other records will be submitted for discussion and consideration. Once approved, representatives from the NC Department of Cultural Resources will be invited to provide mandatory training to all department heads. In the future, records will be retained and purged in accordance with the approved policy.

(b) **ABC Permits:** He has issued a number of ABC permits in accordance with prescribed NC ABC Commission guidelines. He submitted the request to the SBI for a code to allow ABC background checks; however, it has not been received so he cannot request background checks at this point. To avoid delays, he has utilized the notarized oath that each applicant has taken certifying that a number of personal conduct issues do not exist. Representatives from the ABC Commission have advised that a background check is not mandatory by the County since once they receive the application they perform a full background check including checking fingerprints against the FBI files. If anything shows up on the background check then the alcohol permit is immediately revoked. Utilizing the local opinion forms, the NC ABC Commission issues a temporary 90 day permit until the background check can be completed.

(c) **Legislative Update:** **HB 991** has been approved by the NC House of Representatives and has gone through the first reading in the Senate. HB 991 is a local bill for Jackson County that delays the implementation date of the occupancy tax modification until January 1, 2013. **SB433** is a bill that would provide flexibility to Counties in the administrative structure for health and social services. The bill has passed the first reading of the House and could receive final approval on June 19th before going to the Senate for action. **H462** is a bill that would prohibit contingency fee contracts and would have an impact on counties. The County utilizes this methodology in contracting for audits of business personal property. If this bill passes, the counties will be required to pay up front for these services regardless of whether any new tax base was discovered.

(d) **Advantage West Economic Development Trip:** He participated in this trip last week and had the opportunity to meet with representatives from the NC Department of Commerce, Rural Center, Golden Leaf, LT. Governor, Speaker of the House, and the western NC legislative delegation. He also met with two statewide law firms that assist towns and counties with various economic development activities.

(e) **Upcoming Events:** The annual meeting of the NCACC is scheduled on August 16-19 in Raleigh. An early registration discount is offered through July 16th.

(2) CONSENT AGENDA:

(a) **Finance & Tax Collector, Tax Refund Reports, Budget Amendments:** Darlene Fox, Finance Director, presented Finance, Tax Collector and Refund Reports, 5 budget amendments, in addition to Travel & Tourism reports for May 2012. Tax refunds total \$211.76 for May.

(b) **Fireworks Applications:** Mr. Wooten reported the following 10 have submitted applications for firework displays beginning July 1 through July 6 and asked for approval.

- Jackson County Recreation Dept. – Cashiers Rec Park, July 1
- Bear Lake Preserve – July 3
- Chattooga Club – July 3
- Friends of Lake Glenville – July 3
- Country Club of Sapphire Valley – July 3
- Jackson County Recreation Dept. – Dillsboro Quarry, July 4
- Camp Merrie-Wood – July 4
- Mountaintop Golf Club – July 4
- Wade Hampton Golf Club – July 4
- Sundog Places - July 6

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

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

(3) **FY2012-13 BUDGET ORDINANCE**: Mr. Wooten stated that during the June 4th work session it was the consensus that appropriations be increased as follows:

- (a) Good Samaritan Clinic \$10,000
- (b) Cashiers Volunteer Fire Dept. \$15,000
- (c) Webster Enterprises \$ 2,400
- Transfer from Contingency Fund \$27,400

Revenues increased as follows:

- (d) Health Dept. Grant \$39,580
- (e) Emer. Telephone 911 PSAP \$ 7,703

A public hearing was held on June 4th and no budget requests were made. The tax rate would remain at \$0.28. The budget is \$65,130,734 less interfund transfers in the amount of \$7,451,716 for a total of \$57,679,016.

Motion: Commissioner Cody moved to adopt the FY2012-13 Budget Ordinance in the amount of \$57,679,016. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(4) **TRANSIT SAFETY PLAN**: Chuck Norris, Transit Director, presented a transit safety plan for approval.

Motion: Commissioner Cowan moved to approve the safety plans. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(5) **3-YEAR UPDATE TO THE COMPREHENSIVE 10-YEAR SOLID WASTE MANAGEMENT PLAN RESOLUTION (R12-18)**: Chad Parker, Public Works Director, stated a public hearing was held earlier today and no public comments were made.

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

(6) **PERMITTING & CODE ENFORCEMENT - SOFTWARE SOLUTIONS**: Tony Elders, Permitting & Code Enforcement Director, presented a proposal from ROK Technologies. ROK developed the county's current GOMAPS software which can be expanded. The proposed expansion will allow the county to provide a centralized intake point for all applications for permits required to build any type of building in the county. Land development, erosion control and building permits will be issued from one centralized office. Environmental health permits will continue to be issued from the Health Dept., but the applications can be completed at the centralized office. The expansion will also create a large menu of reports available to the general public. The estimated project costs for FY2012-13 is \$225,000 and includes training. ROK recommends budgeting an additional 10-14% of year one costs (\$22,500-\$33,750) for additional maintenance requests and enhancements in years two and three. The hosting cost for the second and third year will be \$12,000 per year. Mr. Elders recommended approval of expansion of the GOMAPS software system.

Motion: Commissioner Cowan moved to accept acceptance of the GOMAPS software system proposal with funding from the Capital Reserve Fund. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(7) **BARKING DOGS**: Gerald Green, Planning Director, stated he had researched the issue of regulating barking dogs. There are two options: (a) amend the Noise Ordinance to remove the exemption for pets and animals, or (b) amend the Animal Control Ordinance to address barking dogs. The Sheriff's Office has no interest in enforcing a barking dog provision in the Noise Ordinance. The Animal Control Ordinance is administered and enforced by the Health Dept.; however, staff is of the opinion that enforcement of a barking dog regulation is not consistent with the mission of the department. If the Animal Control Ordinance is amended to regulate barking dogs, costs would be incurred due to the need for additional staff and, if removal of dogs is part of the enforcement process, the need for an expanded animal shelter.

The Planning Board recommends that the barking dog issue should be regulated through the Noise Ordinance and enforced by the Sheriff's Office due to the respect and authority deputies command. The noise standards should not apply to hunting dogs in the act of hunting or while being trained. The noise standards should be in effect at all times and the county should consider developing an ordinance requiring the kenneling of dogs when an owner has more than four adult dogs on the same property. Further, there are a number of issues to be explored such as, at what point does a barking dog become a nuisance, if a dog does not bark continuously but barks habitually would it be defined a nuisance, how would a barking dog be defined as a nuisance and penalties, etc.

Transylvania, Haywood and Swain counties address barking dogs in their respective noise ordinances and enforcement is by the Sheriff's Offices; however, none enforce the regulation.

There are several significant issues that must be considered in determining the next necessary step(s).

(8) **CASHIERS COMMERCIAL AREA DEVELOPMENT ORDINANCE AMENDMENT**: Gerald Green, Planning Director, stated a public hearing was held earlier today and no public comments were made.

***Motion:** Commissioner Jones moved to approve the amendment to the Cashiers Commercial Area Development Ordinance. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(9) **LITTLE SAVANNAH RD, SR1367, RESOLUTION (R12-17)**: Mr. Wooten presented a resolution in support of NCDOT making safety improvements on Little Savannah Road from the Cullowhee Post Office to the new WCU Health Science Building. The improvements include a sidewalk which will greatly enhance student safety to and from the new Health Science Bldg. WCU is assisting NCDOT with funding for the project.

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

(10) **REGION A AGING ADVISORY COUNCIL**:

***Motion:** Commissioner Jones moved to reappoint Ed Norton to a 3-year term on the Region A Advisory Council. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

Informal Comments by Public

(a) Mr. Armguard of the Norton Community spoke on behalf of his community and recommended that the Board consider an ordinance - not just against hunting dogs or dogs in general. He is just looking for help.

(b) Diane Winkler of Cashiers stated that due to her husband’s death she was forced to put her property on the market. It has now been 5 ½ years, but she is unable to sell due to buyers withdrawal while making a visit and hearing the barking dogs. She urged the Board to seriously consider an ordinance.

(c) Kathy Jardine of Webster stated that one of the medical recommendations due to her health issues is rest; however, that is impossible because of the annoyance of barking dogs and asked the Board for help.

(d) Robert Jardine of Webster stated he has tried to talk and work with neighbors but has been unsuccessful. Dog owners need to be held accountable and responsible. He requested the Board to consider passing an ordinance.

(e) Lauren Calvert of the Barkers Creek community stated the barking dog situation has worsened over the years and requested immediate consideration of an ordinance.

(f) John Fitzgerald of Cashiers thanked Gerald Green for visiting his property to hear first hand the annoyance of barking dogs from the kennel and encouraged the Board to move rapidly and adopt an ordinance, otherwise Jackson County is going to get a “buyer beware” reputation and buyers will go to other counties who have a workable ordinance.

Press Conference

CLOSED SESSION:

Motion: *Chairman Debnam moved that the Board go into closed session pursuant to G.S. 143-318.11(a)(3)Legal. Commissioner Jones 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 Closed Session Minutes.

Chairman Debnam reminded the Board that the July 2nd meeting has been cancelled and would meet again on the regular third Monday in July (July 16) at 6:00 pm.

There being no further business, Commissioner Cody moved to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 8:05 p.m.

Attest:

Approved:

Patsy C. Parris, Clerk to Board

W. J. Debnam, Chairman