

Posted: June 12, 2003
Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 10, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, June 10, 2003, at 6:00 p.m. in the Justice & Administration Building, Room 203, 401 Grindstaff Cove Road, 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: Chairman Buchanan requested that the Agenda be amended to add Budget Amendment (*White Goods Grant*) to item #3, add MSW Tipping Fees bid as item 10(g), Sheriff's Office Budget as item #27, a Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement N.C.G.S. 160A-20 as item #28, Budget Changes as item #29, REACH Budget Request as item #30, and a Budget Ordinance to amend the General Fund (land acquisition) as item #31. He also requested that Tri-Service Library Area(s) Proposal, Macon County Solid Waste Contract, Smoky Mountain High School Change Orders (*cafeteria and lobby*), and FY2003-2004 Budget Ordinance be added to the June 17, 2003 Agenda. 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 June 3, 2003. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC:

(a) Mark Jamison stated that the Duke Power Relicensing offer is totally inadequate. The loss of recreational opportunities is of utmost importance. The statement by Duke officials that if it is required to pay additional funds to Jackson County, then the charges will be passed along to users is incorrect.

(b) Roger Turner, WNC Alliance, stated that he was a member of the Tuckasegee Stakeholders Team and agreed with Mr. Jamison’s statements. Full and optimal access to the lakes should be retained.

(c) Bill Lyons stated the monetary proposal by Duke would be divided between five counties. The amount Jackson County would receive is totally inadequate. He stated that Duke had agreed in the Clean Smokestacks Act that it would not ask for an increase in rates for five years. He is of the opinion that Duke is attempting to save funding for Jackson County to offset a large anticipated settlement in the Catawba Basin.

(d) Susan Leveille, Chairman of the Town of Webster Planning Board, stated she served on the Tuckasegee Stakeholders Team. The Town of Webster will not endorse the proposed consensus agreement.

(e) T. J. Walker, Dillsboro Inn, stated that Duke has not abided by the rules concerning dam removal. The Dillsboro Dam is the only one in the state located in the confines of a city. Should the dam be removed, shoreline restoration, in addition to other protective environmental issues, should be specifically required.

CONSENT AGENDA

(1) FINANCE REPORT FOR APRIL 2003: Highlights:

<u>General Fund Revenue to date</u>	<u>\$ 26,827,132.38</u>
<u>General Fund Expenditures to date</u>	<u>\$ 23,723,170.66</u>
<u>Ad Valorem Tax collected</u>	<u>\$ 15,382,567.81</u>
<u>Motor Vehicle Tax collected</u>	<u>\$ 851,828.26</u>
<u>Prior Year Tax collected</u>	<u>\$ 650,146.53</u>
<u>Landfill Disposal Fees collected</u>	<u>\$ 1,010,192.22</u>
<u>Prior Year Landfill Disposal Fees collected</u>	<u>\$ 52,701.71</u>
<u>General Fund Contingency Balance</u>	<u>\$ 215,008.98</u>

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

(3) BUDGET AMENDMENTS: The following budget amendments were submitted for approval:

(a) Capital Outlay**	\$ 324,000.00	(i) Housing Fund	\$ 59,484.00
(b) Freshman Transition Program	\$ 82,500.00	(j) Landfill Fund	\$ 28,729.00
(c) Health Dept.	\$ 16,500.00	(k) Scotts Creek School	\$ 1,400.00
(d) General Fund	\$ 285,776.00	(l) Recreation Center Fund	\$ 1,076.00
(e) Emergency Telephone Fund	\$ 58,062.00	(m) Human Services Fund	\$ 295,007.00
(f) Travel & Tourism Fund	\$ 25,011.00	(n) Jail Facility Fund	\$ 38,467.00
(g) Real Property – Contract Services	\$ 150,000.00	(p) School Improvement Fund	\$ 5,100.00
(h) EDC	\$ 151,060.42	(p) Community Health Link	\$ 1,715.00
**Approved as #31 on 6/10/03.		(q) White Goods Grant	\$ 119,804.45

ADMINISTRATIVE REPORTS

(4) CHAIRMAN’S REPORT: None

(5) COMMISSIONERS’ REPORT: None

(6) COUNTY MANAGER’S REPORT: None

OLD BUSINESS:

(7) **DISPOSITION PLAN FOR SURPLUS COUNTY REAL PROPERTY:** A Resolution was presented, pursuant to state statutes, for the disposition of real property for which the county has no present or anticipated use. Attorney Holt suggested that the Resolution be changed from “sealed bids” to “any legal process as set out in the statutes”. Mr. Holt will revise the Resolution prior to the next regular meeting.

NEW BUSINESS

(8) **LOCAL ECONOMIC BENEFIT FOR LOW AND VERY LOW INCOME PERSONS PLAN 2003 CDBG PROGRAM:** This plan is state mandated and required under the terms of the Scattered Site Housing Grant.

(9) **EQUAL EMPLOYMENT AND PROCUREMENT PLAN:** This document is state mandated and required under the terms of the Scattered Site Housing Grant.

(10) BIDS:

(a) **MSW RECYCLING BIDS:** One bid was received for MSW Recycling, FCR, Inc. of Charlotte, NC:

Fiber \$12.50/ton (FCR pays) and
Non-fiber \$12.50/ton (FCR charges)

Mr. Westmoreland recommended that the bid be awarded to FCR, Inc.

(b) **WHITE GOODS RECYCLING BIDS:** Two bids were received:

DeSota Trail Construction, Franklin, NC.....will pay county 25% of gross receipts
Tri-State Scrap Metal, Inc., Asheville, NC...will pay county \$5.00/ton
Mr. Westmoreland recommended that the bid be awarded to DeSota Trail Construction.

(c) **TIRE RECYCLING:** Two bids were received:

U.S. Tire Recycling, Concord, NC \$ 91.00/ton
Jack Millsaps & Son, Robbinsville, NC..... \$147.35/ton

Mr. Westmoreland recommended that the bid be awarded to U. S. Tire Recycling.

(d) **RECYCLING STORAGE PAD:** Two bids were received.

Western Builders of Sylva, Inc., Sylva, NC \$ 9,800
Parker Excavating, Inc., Cullowhee, NC \$ 22,380

Mr. Westmoreland recommended that the bid be awarded to Western Builders

(e) **WHITE GOODS STORAGE PAD:** Two bids were received:

Western Builders of Sylva, Inc., Sylva, NC \$ 98,400
Parker Excavating, Inc., Cullowhee, NC \$ 137,483

Mr. Westmoreland recommended that the bid be awarded to Western Builders.

(f) **RECREATION STORAGE BUILDING:** One bid was received.

Morton Buildings, Inc., Fletcher, NC \$38,528.00

Mr. Westmoreland recommended that the bid be awarded to Morton Buildings, Inc.

(g) MSW TIPPING FEES: Two bids were received:
Waste Management, R & B Landfill, Homer, GA ...\$20.15/ton
Macon County.....\$43.00/ton

Mr. Westmoreland recommended that the bid be awarded to Waste Management.

Chairman Buchanan recommended that Jackson County immediately suspend sending solid waste to Macon County. He has met with Macon County officials on several occasions concerning termination of the current contract. Jackson County does not have suitable property for a landfill and that is one of the reasons why the C&D Transfer Station was constructed. Attorney Holt stated that the contract does not specify the amount of solid waste that must be sent to Macon County per annum. He suggested that a letter be sent to Macon County stating a specific termination date for solid waste being sent from Jackson County. It has been discovered that Macon County has been overcharging Jackson County over the past four years. John Thornton of Altamont Engineering estimated the overcharge is approximately \$70,000. Jackson County will save approximately \$140,000 per year if its solid waste is hauled to Homer, Georgia. In 1995, Jackson County paid Macon County approximately \$1,389,000 just to discuss a landfill and agreed to divide operation costs equally. A mutually-agreed upon independent engineer would be employed to place a value on the contract.

(11) GROUP INSURANCE PLANS – CONTRACT APPROVAL: Mr.

Westmoreland recommended that the following contracts be approved:

- (a) The Canada Life Assurance Company – basic life, AD&D, dependent life, short term disability
- (b) MetLife – dependent life, optional life
- (c) Flexible Benefits Plan – Plan 501
- (d) HCC Life Insurance Co., - medical, prescription drugs
- (e) JSL Administrators – Plan Administrator

(12) SOCIAL SERVICES BUILDING FINAL SITE PLAN: The DSS

Building Committee recommended that “Plan B” be approved as the final site plan.

(13) FIREWORKS DISPLAY FOR JULY 4TH: The Jackson County Recreation

& Parks Department requested that it be allowed to use the Historic Courthouse lawn for the annual 4th of July fireworks show. The recreation department will coordinate all fire permits with local and state authorities.

(14) CASHIERS COMMERCIAL DISTRICT TASK FORCE: Tabled until

June 17, 2003.

(15) WNC INVESTMENT PROPERTIES, APPEAL OF SEDIMENTATION

ORDINANCE PENALTY: Vic Sanders of WNC Investment Properties requested an extension of thirty days before a decision on the \$6,000 penalty is made. He stated he has not been able to comply with the erosion control requirements because of the wet weather. Jeff McCall, Erosion Control, furnished a timeline of his contacts with Mr. Sanders commencing on June 13, 2002. He stated weather has had nothing to do with Mr. Sanders’ non-compliance. Mr. Sanders has not performed the work as described in

his erosion control plan. Mr. McCall furnished photographs of the site which depict the erosion problems. He reported that as of June 10, 2003, Mr. Sanders had only performed some minor repairs. The Commissioners will attempt to visit the site prior to the June 17, 2003.

(16) DUKE POWER RELICENSING AGREEMENT: A copy of the final Relicensing Proposal submitted by Duke Power to the Tuckasegee Stakeholders Team was presented for review. Mr. Westmoreland stated that while the proposal has a lot in it, his rejection of the offer as a voting member of the Team was based upon three points:

(a) The proposed settlement agreement, in his opinion, failed to compensate the Town of Dillsboro adequately for the loss of the dam. While he does not disagree with the environmental position for removal of the dam, the fact is the dam has been existence for some forty-plus years. It has become a symbol and brand for the Town. To lose it completely, without some manner of replacement strategy and support from Duke will hurt the town from an economic standpoint for quite some time.

(b) From the Federal Energy Regulatory Commission's (FERC) standpoint, hydroelectric relicensing is seen as a process whereby the Applicant is required to return to the public in a reasonable fashion a portion of the benefit derived from the use of the public's natural resources; i.e., the river, the lakes, etc. Or, to mitigate for the loss to the public of a resource it would otherwise benefit from. As it applies to recreation, FERC desires to see maximum utilization of the lakes and river by the maximum general population. While Duke's proposal does a lot for recreation interests, in my estimation, it is mostly directly to special interests, angling, kayaking, primitive camping etc. There is very little at geographic points within the county to serve the general public and the greatest population. Park improvements, greenways, etc. would go a long way towards correcting this deficiency.

(c) Duke will be asking FERC for a **forty-year license**. Thus, if approved, the public is fixed with the provisions of the settlement agreement for the full licensing period. A lot can happen in forty years that no one has planned for or envisioned. Some form of contingency fund or trust should be established by Duke to deal with future community concerns and events. Such a fund, if for no other reason, could be "seed" money to deal with future un-addressed problems/ conditions or events.

He recommended the following proposals to Duke's Consensus Agreement:

(a) Reference **Section I.A.4.** Lake Glenville (page 2):

"The County recommends the deletion of items a. through f. Instead, the County supports the implementation of the Lake Glenville Park Master Plan developed for Jackson County by DPNA Engineering Services. The Plan was presented to the County July 2000. It is recommended that the Plan be implemented on a 50-50 cost-share basis and be accomplished in phases over Tier 1 and Tier 2 time frames."

(b) Reference **Section I.F.2.c. (6) & (7)** (page 12). **Delete.** In lieu thereof insert:

"The County supports implementation of the Town of Dillsboro's Monteith Property Development Plan and connecting greenway. DPNA to make a one time allocation of \$250,000.00 as a Tier 1 project."

(c) Reference **Section I.A.8.** (page 3).

Under subsection "g", extend the period for the negotiation of agreements to a more realistic time frame.

Add a new section “h”: “Provide a put-in for drift boats and canoes at Jackson County’s East Laporte Park. DPNA relocate all overhead electric service lines underground. These activities conducted in the Tier 1 time frame.”

Add a new section “i”: “The County supports the implementation of the Jackson County Greenways Commission Master Plan for the development of greenways along the Tuckasegee from Dillsboro to Cullowhee. It is recommended that the Plan be implemented on a 50-50 cost-share basis and be accomplished in phases over Tier 1 and Tier 2 time frames.

(d) Reference **Section I.F.4. Resource Protection and Enhancement Fund** (page 13): “The County strongly supports the establishment and financial support by DPNA of a RPEF to mitigate for numerous UN-addressed problems/conditions, particularly in the area of shoreline and streambank protection measures for environmentally sensitive areas, sediment control, and ongoing ecological study of the Tuckasegee watershed. It is recommended that the RPEF be endowed by DPNA initially at \$1,000,000 cover the Tire 1 time frame. It is further recommended that DPNA match dollar for dollar contributions to the RPEF from all other sources during the remaining period of the License Agreement.”

He reiterated that the re-licensing is for 40 years rather than 30 and that is why he suggested that a trust fund established to cover unforeseen issues over the next 40-years. The next step is that the informal period ends as of June 30, 2003. The relicensing process will take approximately one year. The Federal Energy Regulatory Commission (FERC) has absolute authority. He strongly objected to the proposed agreement unless certain conditions are met. He asked for the Board’s direction on how it wants him to proceed.

(17) APPOINTMENT TO JURY COMMISSION: The Commissioners were requested to make recommendations at the next meeting.

(18) APPOINTMENT TO NURSING & ADULT CARE HOME COMMITTEE: Two vacancies exist. Irene Hooper would like to be re-appointed. Commissioner Cowan will make a recommendation for the other vacancy at the next meeting.

(19) APPOINTMENT TO SOUTHWESTERN COMMUNITY COLLEGE BOARD OF TRUSTEES: Ed Madden has agreed to serve if re-appointed.

(20) APPOINTMENT TO PUBLIC LIBRARY BOARD: Michael Cartwright introduced Jacqueline L. Van Vliet to the Board and recommended that she be appointed.

(21) APPOINTMENT TO SOLID WASTE BOARD: Dr. Cecil Groves, President of SCC, by letter, recommended that Dennis Wilkey be appointed to the Solid Waste Advisory Board. Mr. Wilkey would replace George Stanley.

(22) RESOLUTION – SOLID WASTE MANAGEMENT PLAN, 3-YEAR

UPDATE: This Resolution is for better planning for solid waste which will help protect public health, the environment, provide for an improved solid waste management system, better utilize our natural resources, and control the cost of solid waste management.

(23) RESOLUTION – ADD ELK ROAD TO STATE MAINTENANCE:

Property owners on Elk Road submitted a Petition requesting that it be added to the State maintenance system.

(24) RESOLUTION – ADD TURTLE CREEK ROAD TO STATE MAINTENANCE: Property owners on Turtle Creek Road submitted a Petition requesting that it be added to the State maintenance system.

(25) RESOLUTION – ADD DANDELION DRIVE TO STATE

MAINTENANCE: Property owners on Dandelion Drive submitted a Petition requesting that it be added to the State maintenance system.

(26) RESOLUTION – ANNUAL PARTICIPATION AGREEMENT –

WORKERS COMPENSATION INSURANCE: This Resolution is an Interlocal Agreement to join the N.C. Association of County Commissioners joint risk management agency to provide a method of risk sharing for workers’ compensation claims of its employees. A Public Hearing is scheduled for June 17, 2003, 5:30 p.m.

(27) SHERIFF’S BUDGET: The Sheriff requested funding for two domestic violence officers and an administrative assistant at Grade 63 Step 6. The consensus at the work session was if the Sheriff could cut his proposed budget by the amount needed to fund these three positions, then the board would consider his request. The Sheriff reduced his budget as follows:

Canine supplies	\$ 2,000
Repairs & maintenance-vehicles	\$ 2,500
Other repairs & maintenance	\$ 1,000
Legal advertising	\$ 250
Capital outlay	\$ 35,000
Capital outlay (gate)	\$ 12,500
Capital Outlay (bulletproof vests)	\$ 62,500
TOTAL	\$115,750

He also requested funding for jail uniforms in the amount of \$3,500 and controlled substance funds in the amount of \$2,500. His new requests total \$84,500.00. The difference between the \$115,750 and \$84,500 will be held in his budget for operation expenses for the new jail. Commissioner Madden moved that the three positions, 2 domestic violence officers and administrative assistant at Grade 63 Step 6, be funded from the line item reductions shown on the amended budget and the balance be held in the Sheriff’s budget for operation expenses. Commissioner Cowan seconded the Motion. Motion carried by a vote of 4 – 1 with Commissioner Crawford voting “nay”.

(28) RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY

N.C.G.S. 160A-20: Commissioner McMahan moved to adopt the Resolution.

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

(29) BUDGET CHANGES :

(a) Jackson County will receive \$94,300 in Medicaid funds so that line item will be reduced.

(b) Recreation Department: funding for a Recreation Master Plan was inadvertently omitted. \$45,000 to be appropriated for a countywide comprehensive plan.

(c) Register of Deeds: additional \$14,804 for vacant position for 6 months.

(d) Airport Authority: \$16,428 from contingency for operation expenses.

(e) \$200,000 capital projects fund for Cashiers library.

(f) Landfill Enterprise Fund: remove \$1,000 compost bins grant and add \$442 for uniforms and an additional amount for the solid waste technician salary.

(30) REACH of JACKSON COUNTY BUDGET REQUEST: No comments.

(31) BUDGET ORDINANCE AMENDMENT: The transfer of these funds from Capital Reserve is for payment on the Reed property for the new Social Services Building and SCC property. Commissioner Crawford moved to approve the transfer of funds. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

Chairman Buchanan moved that the Board go into Closed Session pursuant to G.S. 143-318.11(a)(6) Personnel. 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.

Commissioner Crawford moved that the meeting be adjourned. Commissioner Madden seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 9:30 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Stacy Buchanan, Chairman