

Posted: 11-20-03
Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 18, 2003**

The Jackson County Board of Commissioners met in a Regular Session on Tuesday, November 18, 2003, at 6:00 p.m., 401 Grindstaff Cove Road, Courtroom One, 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: Mr. Westmoreland requested that the Agenda be amended by adding #22-SMH Science Building Bids, #23-Appointment of Chair and Vice Chair to the Planning Board, #24-Fee Schedule for Cashiers Commercial Area District Ordinance, and Chairman Buchanan added #25-Municipal Grant Applications. Commissioner Crawford moved to approve the amended Agenda. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

MINUTES: Commissioner Madden moved to approve the Minutes of the Work Session of October 21, 2003, Regular Meeting of October 21, 2003, and Special Meeting of October 28, 2003. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC: (a) Kathy Roberson, teacher at Cullowhee Valley School, thanked the Board for its support of the students over the past several years. She asked that the support be extended to the next level and implement teacher supplements. She stated that Jackson County is one of eight systems that does not offer local supplements which are needed to retain and attract qualified teachers. Haywood County offers a 2.5% supplement and Jackson County has the highest turnover rate west of Mecklenburg County. A local supplement would help stop that trend. She requested that the Board implement a local supplement for teachers. Chairman Buchanan stated that five years ago Jackson County was in the last 25 percentile in the state in funding to its schools; however, the 2003 Local School Finance Study reflects that Jackson County is now fourth in the state in terms of funding to its schools.

(b) Allen Grant addressed the Board concerning the Sylva Bypass. He requested the Board embrace leadership in the traffic study and let DOT be secondary in controlling a task force to study this issue. He suggested that the task force seek input from independent and not just DOT traffic experts.

(c) Roger Turner addressed the Board concerning the proposed Sylva bypass. He suggested that the task force invite a representative from Hillsborough County who faced the same problem with Hillsborough Street as Jackson County has with Highway 107. The DOT feasibility study did not address congestion and solutions or how traffic enters and exits Highway 107. He urged the Board to allow the use of some outside experts. Funds are available through various state agencies for this purpose.

(d) Harold Messer stated that he has been a business owner for over 28 years. He stated he failed to see how the bypass would help increase commerce within the county. The DOT contract bids have always gone to outside companies. The county would be better served fixing Hwy 107 now and not just plan for 25 years in the future.

(e) Jay Coward, Smart Roads Alliance, addressed the Board. He recommended that a decision and plan for Highway 107 not be done quickly, but deliberately to reach a successful point. A decision/plan should be made by a citizen group and not by DOT alone, but in conjunction with DOT. The Smart Roads Alliance would like to have a larger stake in the formation of who actually comprises this particular task force.

(f) Suzanne Fuller thanked the Board for its involvement in the bypass issue. She urged the Board to investigate the funds that are available for community forums for further citizen input.

Chairman Buchanan stated that the proposed Resolution was not meant to offend anyone, but was simply to inform DOT that there was opposition to the bypass idea, thus DOT has stopped going into the next phase of planning. DOT requested a Resolution and for someone in the county to take a leadership role and set up a plan on how to proceed with studying and developing a plan for the Hwy. 107 Corridor. DOT needed further direction before it would continue with studying the problems on Hwy. 107.

CONSENT AGENDA

(1) FINANCE REPORT FOR SEPTEMBER 2003: Highlights:

<u>General Fund Revenues Collected To Date</u>	<u>\$ 8,822,034.47</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 6,784,739.71</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 4,214,336.23</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 203,074.02</u>
<u>Prior Year Tax Collected</u>	<u>\$ 161,388.11</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 242,089.79</u>

(2) TAX COLLECTOR'S REPORTS FOR SEPTEMBER & OCTOBER 2003: The Tax Collector's Reports for September and October 2003 was submitted for approval.

(3) BUDGET AMENDMENT: General Fund Amendment: \$ 72,389.00 (Child Health Grants and Bioterrorism).

ADMINISTRATIVE REPORTS

(4) CHAIRMAN'S REPORT: None

(5) COMMISSIONERS' REPORT: None

(6) COUNTY MANAGER'S REPORT: (a) Mr. Westmoreland stated he had received a proposed contract from Barge, Waggoner, Sumner & Cannon regarding a master plan design for the Webster Road property. The fee for the master plan itself is \$10,300; however, only the lower 11 acres were surveyed for the DSS site. An architectural survey is required for the balance of the 39 acres so that roads and other infrastructure can be planned. The cost for the survey is \$22,000. The total cost for the master plan would be \$32,300.

(b) The Smoky Mountain Elementary School gym roof is leaking. Attorney Holt is working with the school board on a legal issue concerning the roof. The anticipated cost is \$55,000 - \$70,000 of which the schools would contribute 25% in ADM funds. Architectural bids should be available in December.

(c) Because of mental health reforms, the Infinity House, a facility for disturbed children, that the county owns, some action needs to be taken to either lease it to Mountain Area Support Services (MASS-administrative arm of the mental health operation) or transfer it to the Smoky Mountain Foundation. The county does not have any funds in the project historically, but simply holds title to the property which exposes the county to some liability. It will be discussed further at the December meeting. The Foundation requests that some action be taken prior to the end of the year.

NEW BUSINESS

(7) SCATTERED SITE HOUSING GRANT: Quarterly reports were submitted pursuant to the terms of the Scattered Site Housing Grant. Three additional documents were submitted for approval: (a) Residential Antidisplacement & Relocation Assistance Plan & Certification, (b) Citizen Participation Plan Community Development Program, and (c) Code of Conduct/Hatch Act Policy. Because of the grant timelines, Chairman Buchanan suspended the rules and Commissioner Crawford moved to approve the three documents. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(8) AGING DEPARTMENT REQUEST FOR FUNDS: Helen Bryson, Director, Department on Aging, reported that Project CARE is a program of the Aging Department doing home safety repairs and building wheelchair ramps for seniors. At a recent meeting of Project CARE volunteers, several church representatives pledged to contact other churches in the county and raise \$5,000 for the supplies needed for Project CARE. She explained that there are no other grants available to assist with this project. The Board was requested to appropriate \$5,000 to Project CARE.

(9) OLD QUALLA SCHOOL ASBESTOS REMOVAL BIDS: Mr.

Westmoreland reported that two bids were received: Global Environmental Services, Inc.-\$14,849 and NEO Corporation - \$15,761. He requested that the companies inspect the Old Qualla School in anticipation of it being used by a public entity. The Board may not wish to proceed with the asbestos removal at the present time.

(10) OLD CANADA SCHOOL ASBESTOS REMOVAL BIDS: Mr.

Westmoreland reported two bids were received: Global Environmental Services, Inc.- \$45,219 and NEO Corporation - \$50,938. The asbestos must be removed before demolition of the building for development of a park. Demolition bids will be solicited after the asbestos is removed. The county has received a PARTF grant that will help offset these costs.

(11) DISPOSAL OF OBSOLETE COMPUTERS & SOFTWARE: Mr.

Westmoreland reported that county governments are required to dispose of surplus property in accordance with procedures set out in the General Statutes. Jackson County has always followed the competitive process for the disposal of surplus property primarily through public auction even for old computers. The problem with this process and procedure is that computers are seldom purchased and most go to the landfill after the auction. There is a statutorily approved alternative. If a party receiving public property agrees to put the property to some public use, the courts have ruled that that promise constitutes sufficient consideration for conveyance. The General Statutes expressly permits such conveyance to the following:

- (a) To governments (G.S. 160A-274)
- (b) To volunteer fire departments and rescue squads (G.S. 160A-277)
- (c) To non-profit preservation or conservation organizations (G.S.160A-266(b))
- (d) To non-profit agencies to which the county is authorized to appropriate money (G.S. 160A -279)

Mr. Westmoreland recommended that the Board adopt a standing policy that the County Manager or his designated property management officer be authorized to first offer computers for disposal to the Jackson County agencies and organizations that fall within the above list. Following that effort, any and all remaining computers would be sold or disposed of according to routine disposition procedures.

(12) UNUSED ANNUAL LEAVE POLICY: The present policy states:

“Jackson County will allow each new employee to have a direct transfer from other state or local government agencies to accrue annual leave at the rate of six months credit for each full year of directly related experience with the state or local government agency”.

In order to have competitive recruiting, it would be in the best interest of the county to amend the policy to allow for recognition of 100% of each full year of service from previous state or local government agencies of new hires for annual leave accrual purposes.

Discussion was had concerning retroactive credit to employees who have been given a 50% credit. The Board requested a review of all employees who have been credited with 50%.

(13) RESOLUTION – ABANDONMENT OF KNOB CREEK ROAD

(SR1148): Chairman Buchanan stated that Ray Trine, on behalf of the property owners, requested that this issue be tabled until a later date. Mr. Trine has withdrawn the petition.

(14) RESOLUTION – COMMUNITY TRANSPORTATION FUNDING

(R03-27): This Resolution authorizes the Transit Director, Chuck Norris, to submit a grant application for federal and state funding and enter into an agreement with the N.C. Dept. of Transportation to provide rural public transportation services. This application does include a request for funds for a new Jackson County Transit facility. It is anticipated that the facility will be located on the Webster Road property which would constitute a match that the county would be required to make, so in essence that facility will be 100% funded with DOT funds. Due to the grant application deadline, Chairman Buchanan suspended the rules and Commissioner Madden moved to adopt the Resolution. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(15) RESOLUTION – SMOKY MOUNTAIN CENTER LOCAL BUSINESS

PLAN: Jackson County is part of the seven county catchment area of the Smoky Mountain Center Area Program as defined by N.C.G.S. 122-c. “Smoky Mountain Center has developed a local business plan as mandated by the *Blueprint for Change* to describe SMC’s implementation of reform and the collaborative planning processes to meet the needs of the community as reform unfolds.” The NC Division of Mental Health, Developmental Disabilities and Substance Abuse Services approved SMC’s local business plan on September 19, 2003.

(16) RESOLUTION – STOP EPA’S “ROUTINE MAINTENANCE”

RULING (R03-29): Avram Friedman requested the Board to adopt a Resolution which urges the N.C. Attorney General to sue the Environmental Protection Agency under the Clean Air Act for a rule change that redefines “routine maintenance” for factories, refineries and power plants. Pursuant to Section 10 of the NC Clean Smokestacks Act, the state is obligated to use all available means to protect the state from air pollution originating elsewhere. He reported that 14 states and the District of Columbia have already filed suit. Because this issue was discussed at length during the October meeting, Chairman Buchanan suspended the rules and Commissioner Coward moved to adopt the Resolution. Commissioner McMahan seconded the Motion. Motion carried by unanimous vote.

(17) RESOLUTION – COMPREHENSIVE TRAFFIC STUDY & PLAN

FOR NC 107 (R03-30): This Resolution urges the community to come together and work positively toward improvement and a solution to present and future NC Highway 107 traffic issues. It further recommends that the Statewide Planning Unit of the N.C. Dept. of Transportation work cooperatively through a community based task force. Chairman Buchanan suspended the rules and Commissioner Crawford moved to adopt the Resolution. Cowan seconded the Motion. Motion carried by unanimous vote.

(18) RESOLUTION – ABANDONMENT OF ROADS POLICY: Pursuant to G.S. 136-63, one or more persons, firms and/or corporations may petition the Jackson County Board of Commissioners to request that the N.C. Department of Transportation change or abandon a road entirely or partially that is presently on the secondary road system. There may be other persons, firms and/or corporations that oppose the abandonment of the road even though they may not live or own property on the road. This policy requires that the petitioners deposit the sum of \$400 with the Jackson County Finance Office when the petition is submitted to the Board of Commissioners. Those funds are for the payment of the costs of legal advertising for two consecutive weeks concerning the abandonment of said road in The Sylva Herald and Cashiers Crossroads Chronicle. Any refund due and owing after the payment of the legal advertising costs shall be repaid to the person delivering the monies to the Finance Office. The County Manager shall prepare the legal advertisement.

(19) GRANT PROJECT ORDINANCE: This is for the Scattered Site Housing Grant in the amount of \$400,000. Chairman Buchanan suspended the rules and Commissioner Crawford moved to adopt the Ordinance. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(20) TIE BREAKER PROVISIONS FOR STAGGERED TERMS OF COMMISSIONERS: A Resolution was adopted on March 22, 2002 which was approved by referendum on November 5, 2002 providing for staggered terms for Commissioners. Attorney Holt suggested that if there was a tie, it could be broken by “drawing names from a hat” after the canvas is completed. Attorney Holt was instructed to draft a policy that clarifies this issue.

(21) APPOINTMENT TO TWSA BOARD OF DIRECTORS: Mickey Luker, Chairman of the TWSA Board, recommended that Frank Wilkie be appointed. Chairman Buchanan suspended the rules to accommodate TWSA and Commissioner McMahan moved to appoint Frank Wilkie. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(22) SMOKY MOUNTAIN HIGH SCHOOL, SCIENCE BUILDING BIDS: Mr. Westmoreland stated that the bids should be available by the November 25th meeting.

(23) APPOINTMENT OF CHAIR AND VICE CHAIR TO THE PLANNING BOARD: Appointments will be made at the November 25th meeting.

(24) FEE SCHEDULE FOR CASHIERS COMMERCIAL AREA LAND DEVELOPMENT ORDINANCE: Linda Thomas, Planning Coordinator, presented a Fee Schedule.

(25) MUNICIPAL GRANT APPLICATIONS: Applications were received from the Town of Sylva, Town of Dillsboro and Village of Forest Hills. Chairman Buchanan suspended the rules and moved to award grants as follows: Town of Sylva \$10,000, Town of Dillsboro \$7,000 and Village of Forest Hills \$3,000. 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) (5) Real Property. Commissioner Madden 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.

Chairman Buchanan requested that the Agenda be further amended to add #26-Nichols Property. Commissioner McMahan moved to approve the request. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(26) NICHOLS PROPERTY: Chairman Buchanan suspended the rules and moved to approve the Buy/Sell Contract for the Jim and Kim Nichols property (4.81 acres and house) in Cashiers for the sum of \$1,500,000. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

Chairman Buchanan recommended, and the Board agreed, that only one Board meeting be scheduled in December, i.e., December 9, 2003 and that action be taken on all Agenda items at that meeting.

Commissioner McMahan moved that the meeting be adjourned. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote and the meeting adjourned at 9:00 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Stacy Buchanan, Chairman