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Posted By: Evelyn Baker
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**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 11, 2005**

The Jackson County Board of Commissioners met in Regular Session on Tuesday, January 11, 2005, at 6:00 p.m., 399 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: K. Stacy Buchanan, Chairman
Roberta Crawford, Vice Chair
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 added a Joint Resolution with Town of Sylva, Budget Amendments, Ortho Photography Bids, Resolution for Webster Water Based Recreation & Stream Restoration Project, and deleted Congressman Taylor's Request for Office Space. Commissioner McMahan moved to approve the amended Agenda. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

MINUTES: Commissioner Madden moved to approve the Minutes of the Regular Meeting of December 14, 2004. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

INFORMAL COMMENTS BY THE PUBLIC: Gilbert Matheny thanked the Board for supporting a recreation master plan. He requested that an indoor pool be considered a high priority because there are presently 100-150 children in various swimming programs. A pool would benefit everyone, not just the swim teams. Starlette Matheny, 8th grade student at Fairview Elementary, stated she had been on the swimming team for 8 consecutive years and urged the board to also consider an indoor pool a high priority. Currently the swim teams use the pool at WCU; however, there is no guarantee that WCU will continue to share its facility. Maurice Phipps stated that recreation develops communities throughout the entire county. He urged the board to adopt and fund the various aspects of the recreation master plan. Sue Hecker, Co-President of the Jackson County Swim Team, thanked the board for supporting the recreation master plan. She stated that with the county's growth, an indoor pool would be beneficial for all citizens. Jeff Carpenter read a letter from Mark Leonard, CEO of WestCare Health Systems, in support of the recreation master plan and expansion of the recreation facility.

Pat Beasley requested the board to consider adding a staff person to coordinate programs for the special needs population. Her committee anticipates reactivating the Special Olympics of North Carolina Program. Annie Ripley Gehring, Chair of the Recreation/Parks Advisory Board, stated that the recreation department has outgrown its facility. She urged the board to adopt the proposed recreation master plan and to support an indoor pool at the facility. Charles Moore urged the board to add an indoor pool at the recreation center. Paul Hecker stated he had been a member of the swim team for six years and an indoor pool is needed. Jim Manning thanked the board for supporting the recreation master plan. He urged the board to move up the timeline for an indoor pool. His family uses the pool in Haywood County at least twice per week. He requested the board to install an indoor pool at the recreation center. Quinn Manning stated he was tired of having to go to Haywood County to use an indoor pool. Dawn Melrose thanked the board for supporting the recreation master plan. She stated her family uses the recreation facility four or five times per week. She urged the board to move up the timeline for installation of an indoor pool. Otto Spilker stated that water benefits everyone and an indoor pool is a sound investment and an indoor pool should be a priority.

CONSENT AGENDA

(1) **FINANCE REPORT FOR NOVEMBER 2004:** Darlene Fox, Finance Director, gave the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 20,607,939.56</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 19,042,777.59</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 13,632,018.37</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 518,564.35</u>
<u>Prior Year Tax Collected</u>	<u>\$ 372,881.66</u>
<u>Sales & Use Tax for Sept 2004</u>	<u>\$ 719,378.40</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 786,265.44</u>
<u>Prior year Landfill Disposal Fees Collected</u>	<u>\$ 23,977.89</u>
<u>Contingency Fund Balance</u>	<u>\$ 170,953.00</u>

On December 30th, the 401k rollover from Diversified to Prudential was finalized. As of January 7, 2005, all participants were able to go on line and review their accounts. There was a market value adjustment of \$5,800.00 which was paid by the county.

(2) **BUDGET AMENDMENTS:** Because the closing on the Nichols property (for Cashiers Library expansion) is scheduled on January 12th, Chairman Buchanan suspended the rules and Commissioner Cowan moved to approve the following budget amendments:

<u>General Fund</u>	<u>\$1,500,000</u>
<u>Capital Projects Fund</u>	<u>\$1,500,000</u>

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

(3) **TAX COLLECTOR’S REPORT FOR NOVEMBER 2004:** The Tax Collector’s Report for December 2004 was submitted for approval.

ADMINISTRATIVE REPORTS

(4) **CHAIRMAN’S REPORT:** A Budget Calendar for FY2005-06 was submitted. The Budget Planning Retreat scheduled for February 15th will commence at 2:00 p.m.

(5) **COMMISSIONERS' REPORT:** Commissioner Crawford reported that the painting of the Historic Courthouse is complete. Commissioner McMahan invited the Board to attend an open house at the new Balsam Fire Station on January 22nd at 2:00 p.m. and Caney Fork Fire Substation open house on January 23rd at 1:30 p.m.

(6) **COUNTY MANAGER'S REPORT:** Mr. Westmoreland reported that eight proposals for ortho photography were received. A recommendation should be made at the next meeting. Funds have been set aside for the past two years in anticipation of this project. There will be major upgrades which include color and contour lines at 10 foot intervals. A Resolution will be presented at the next meeting for water based recreation and stream restoration at the Webster Complex. There is the need for a provision for storm water retention to serve the entire complex. A grant for approximately \$65,000 has been secured from N. C. State. The total cost is approximately \$100,000. The balance will come from in-kind services from county crews or from the developer of the senior citizens' housing project. Hopefully minimal county funds will be required in securing that grant. The lettering on the Historic Courthouse will be changed to read "Jackson County Courthouse". He would like to consider funding for the Historic Courthouse in the budget planning in order to continue with restoration. He plans on having the budget complete by the end of May.

(7) **PLANNING DEPT. REPORT:** Linda Cable reported that the Planning Board is continuing to work on a Subdivision Ordinance. Based on the department's research, there are a total of 303 subdivisions in the county. The breakdown is as follows: 1-10 lots (70), 10-30 lots (121), 30-50 lots (41), and 101+ lots (17). Southwestern Planning Commission is assisting in creating a cell towers site map. The Animal Control Task Force is continuing to work on an ordinance. The Watershed Review Board's quarterly meeting is scheduled on February 28th. The Cashiers Community Planning Council continues to work on a lighting standards amendment. A request for a co-located cell tower in the Qualla community has been received.

(8) **RECREATION MASTER PLAN:** Following the recommendations of the Board, the Master Plan was revised to create four park districts: Dillsboro/Qualla Park District, Sylva/Webster Park District, Cullowhee Park District and Cashiers/Glenville Park District. Mr. Westmoreland stated that the plan will be corrected to place all of the Qualla/Soco property in District One. Chairman Buchanan suspended the rules and moved to adopt the Recreation Master Plan. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(9) **SOUTHERN LUMBER CO. (STOVALL) REVOLVING LOAN:** Jay Coward, attorney for Mr. and Mrs. Patrick McGuire, requested at the 12/14/04 Board Meeting that it authorize the substitution of approximately 7 acres of released, unencumbered property for property which is still encumbered. After the 12/14/04 board meeting, Commissioner Madden visited the site and recommended that the exchange be approved contingent upon an appropriate road right-of-way and utility easement

agreement. Mr. Coward will be requested to submit appropriate documentation to the County Attorney for review.

(10) AUDIT REPORT FOR FISCAL YEAR ENDING 6/30/04: John Hughes of Johnson, Price & Sprinkle, P.A., presented the audit report for the fiscal year ending June 30, 2004. He stated the county continues to enjoy good financial health which is reflected by the audit. He stated the report included an unqualified opinion and he gave the following financial highlights:

- The assets exceeded liabilities at the close of the fiscal year by \$38,096,448 (net assets).
- The government's total in net assets increased by \$1,750,739 primarily due to increased net assets in the general fund.
- As of the close of the current fiscal year, the county's governmental funds reported combined ending fund balances of \$22,642,769, an increase of \$6,220,953 in comparison with the prior year. Approximately 81.2% of this total amount, or \$17,956,954, is available for spending at the county's discretion (unreserved fund balance).
- At the end of the current fiscal year, unreserved fund balance for the general fund was \$12,083,747 or 38.9% of total general fund expenditures for the fiscal year.
- The county's total debt increased by \$6,525,796 (29.5%) during the current fiscal year.
- The tax collection rate was 95.67% (statewide average is 96.33%).

(11) JACKSON COUNTY CEMETERY BY-LAWS AND ORDINANCE AUTHORIZING A CEMETERY BOARD: Proposed By-Laws governing the Jackson County Cemetery and an Ordinance Authorizing a Cemetery Board, both drafted by Attorney Holt, were submitted for consideration. Chairman Buchanan reported that the Geosciences Dept. from WCU will be doing site identification work shortly, weather permitting. DOT has completed the road to the cemetery, but has some more work on the trails. If the Board moves ahead with appointing a Cemetery Board, he recommended that \$5,000 be appropriated from the contingency fund this fiscal year for grave markers. The Board should consider future appropriations during the up-coming budget planning sessions.

(12) BALSAM MOUNTAIN PRESERVE, APPEAL OF TTA PENALTY: Tina Jones, Accounting Administrator for Balsam Mountain Preserve (BMP), presented written documentation which stated the company has five cottages it used for lodging company guests, prospects and club members during January 2004. The cottages are not utilized for purposes of generating income. BMP writes off any costs internally and does not receive any revenue. However, it paid occupancy tax to the county based on the internal write-offs as well as the required tax on the revenue received. BMP was unaware of the \$10.00 per day penalty for late payment of room occupancy taxes. In October BMP sent room occupancy tax payments for January 2004 through October 2004 which included those costs written off internally. She requested the Board to waive the penalty. Commissioner McMahan requested and was given permission to abstain from voting on this issue since he is employed by Balsam Mountain Preserve.

(13) DSS BUILDING, COMPUTER & TELEPHONE WIRING PROPOSAL: Metrostat Technologies submitted a proposal for a structured wiring system for the DSS Building in the Webster Complex. The total premise wiring (telephone and computer) cost is \$52,676.16. A \$25,000 credit with Western Builders can be applied to this cost with the balance from the DSS contingency account.

(14) CONGRESSMAN TAYLOR’S REQUEST FOR OFFICE SPACE:

Chairman Buchanan stated that an aide from Congressman Taylor’s office requested that this matter be tabled to a later date. The aide will schedule an appointment with Mr. Westmoreland to discuss the request.

(15) JACKSON COUNTY RESCUE SQUAD:

Craig Burrell, Chief of the Jackson County Rescue Squad, stated that the rescue squad needs 8-bays to house its equipment. He requested the Board to consider either building a new 8-bay facility (10,000 sq. ft.) at the Webster Complex or in the alternative building a 4-bay facility in the Webster Complex and retain the Sylva facility. He stated there are a sufficient number of volunteers to staff both stations. Mr. Westmoreland stated that the Webster Complex Master Plan must be revised because of the retention pond and having to change the placement of the senior housing. The architects will be requested to ascertain the feasibility of placing a rescue squad facility at the site. Mr. Burrell was requested to furnish the Board with two potential footprints (8-bay facility and a 4-bay facility).

(16) CULLOWHEE FIRE DEPT./CANEY FORK SUBSTATION:

Chief Frady presented a Capital Improvement Budget Report for the Caney Fork Substation which reflects expenditures in the amount of \$167,499.86. The only improvement remaining is landscaping which will be done by volunteers from the fire department and citizens of the Caney Fork community. The Board expressed appreciation to Chief Frady and all the volunteers who helped with construction of the substation. The Board was invited to the Caney Fork Substation open house on January 23rd at 1:30 p.m.

(17) LAKE GLENVILLE HOMEOWNERS ASSOCIATION:

Phil Fowler, on behalf of the Lake Glenville Homeowners Association, submitted a list of “draft position points” as follows: (a) Buffer zone nuisance control through shoreline leases, (b) Guaranteed lake levels throughout the year, (c) Essential improvements for public recreation, (d) No practical policy for removing debris or fallen trees in the lake and/or the buffer zone, (e) Docks, and (f) Viewshed restrictions. He requested that the county endorse and support the association “position points” in negotiations with Duke Energy’s Relicensing Application.

(18) BLUE RIDGE SCHOOL GYM:

The Board of Education voted to accept the \$62,500 bid of Sports Flooring Group to replace the gym floor at Blue Ridge School and Learning Environment’s bid of \$3,800 to remove and replace the Hussey bleachers. A 25% grant match is required and those funds are in the school budget. These improvements are part of the Capital Improvements Projects for use of ADM funds approved last year. The Board of Education requested the Board of Commissioners to approve the bids using ADM funds.

(19) MARK WATSON PARK TENNIS COURTS:

Two bids for resurfacing the tennis courts were received: (a) Whalen Tennis Co. - \$51,800 and (b) Court One - \$87,950. Both bidders recommended by addendum that the asphalt be increased from 2 inches to 3 inches. The additional cost is \$12,300.

(20) **ORTHO PHOTOGRAPHY BIDS**: Carry over to 1/18/05.

(21) **RESOLUTION (R05-02) WEBSTER WATER BASED RECREATION & STREAM RESTORATION PROJECT**: Carry over to 1/18/05.

(22) **APPOINTMENT TO TUCKASEIGEE WATER & SEWER AUTHORITY**: Carry over to 1/18/05.

(23) **APPOINTMENT TO PLANNING BOARD**: Chairman Buchanan suspended the rules and Commissioner Cowan recommended that Richard Frady be appointed to fill the unexpired term of Raymond Ledford on the Planning Board. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(24) **JOINT RESOLUTION (R05-01) WITH TOWN OF SYLVA – LIBRARY**: The Town of Sylva has agreed to participate in funding for the new Jackson County Library site. The Town will reimburse the county \$105,000 in equal annual installments of \$21,000 beginning Fiscal Year 2005-06. Since this issue was discussed and agreed upon at the December 14, 2004 meeting, Chairman Buchanan suspended the rules and Commissioner Cowan moved to adopt the Town of Sylva's Resolution. 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)(3) Legal, G.S. 143-318.11(a)(5) Real Property and G.S. 143-318.11(a)(6) Personnel. Commissioner Cowan 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 moved that the meeting be recessed until Wednesday, January 13, 2005 at 12:00 noon. Commissioner Madden seconded the Motion. Motion carried and the meeting recessed at 9:40 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

K. Stacy Buchanan, Chairman

