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Posted By: Evelyn Baker
Witness: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MAY 2, 2005**

The Jackson County Board of Commissioners met in Regular Session on Monday, May 2, 2005, at 6:00 p.m., 399 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Roberta Crawford, Vice Chair
Joe Cowan, Commissioner
Eddie Madden, Commissioner
Conrad Burrell, Commissioner
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the Agenda by adding a Resolution-Interlocal Agreement to Join NCACC (Workers Compensation), Revolving Loan Fund, Regional Airport Authority, and Jackson Development Corp. Foreclosure. Commissioner Burrell moved to approve the amended Agenda. Commissioner Crawford seconded the Motion. Motion carried.

MINUTES: Commissioner Burrell moved to approve the Minutes of the two Public Hearings of April 18, 2005 and Regular Meeting of April 18, 2005. Commissioner Crawford seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) Mark Jamison of Cullowhee requested the Board to endorse a resolution or collectively request Smoke Rise Field Club to abide by its public statements and representations and abandon consideration of a shooting range on Tilley Creek.

(b) Odell Thompson of Sylva requested that the sum of \$6,300, as outlined by Howard Allman, Library Board Chairman, at the April 4, 2005 Board of Commissioners meeting, be appropriated immediately for expenses of the Design and Fundraising Committees.

(c) Perry Eury of Cullowhee submitted a site assessment report concerning the suitability of locating a shooting range on Tilley Creek which contends the property has been identified as a Native American Archeological site. Further, the community has concerns about the consumption of alcohol at the proposed shooting range club.

(d) Louis Spagna of Cullowhee stated that Smoke Rise Field Club should listen to the community and reconsider building a shooting range on Tilley Creek.

(1) FINANCE & TAX COLLECTOR REPORTS FOR APRIL 2005: Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 32,832,416.86</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 31,076,389.15</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 18,609,676.26</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 800,594.40</u>
<u>Prior Year Tax Collected</u>	<u>\$ 683,555.01</u>
<u>Sales & Use Tax for Feb. 2005</u>	<u>\$ 675,250.45</u>
<u>NC Y2K Medicaid refund for Indian Reservation</u>	<u>\$ 464,142.81</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 1,074,441.84</u>
<u>Contingency Balance</u>	<u>\$ 41,205.00</u>

(2) BUDGET AMENDMENTS:

<u>State of NC-FEMA</u>	<u>\$ 190,773.00</u>
<u>General Fund</u>	<u>\$ 328,501.00</u>
<u>Revaluation</u>	<u>\$ 51,303.00</u>

(3) CHAIRMAN'S REPORT: Chairman McMahan reported that the Rural Center was unable to fund R.E.A.C.H.'s Entrepreneurial Incubator Grant application.

(4) COMMISSIONERS REPORT: None.

(5) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported that only two bids were received for Smoky High School Site Work Phase I. Because of the scope of work and pursuant to state statutes, it has been re-bid for May 9th. Also, bids will be received on May 9th for Canada Park and Cashiers SRC improvements

(6) PLANNING DEPT. REPORT: Linda Cable, Planning Coordinator, reported that the Planning Board is working on a Shooting Range Ordinance. She stated she had visited the proposed shooting range site on Tilley Creek with representatives from the EPA and Division of Water Quality and a report should be forthcoming. The Planning Board is also working with the Solid Waste Board to refine its ordinance and an Animal Control Ordinance with the Board of Health. The following permits were issued in April: 4 Erosion Control Permits, 2 Cashiers New Construction and 3 Off Premise Signs. Six Erosion "Notice of Violations" have been issued.

(7) LEADERSHIP JACKSON: Hank Shuler reported that SCC and the Jackson Chamber of Commerce have collaborated over the past year with Leadership Jackson to create, develop and implement a project that impacts Jackson County. The project was titled "Heavy Metal Round Up" and on April 22-23 volunteers helped clean up the county by picking up and hauling away old and used appliances. The group also participated in Project on Earth Day, the Tuckaseegee River Clean-Up and Greening Up The Mountains. The group received \$567.00 in donations which will be donated to the Greenway Project and WCU Lacrosse Club (members assisted with the clean up project). The county was urged to invest time and resources for future white goods clean up projects. The Board thanked Leadership Jackson for its outstanding project.

(8) WESTCARE AMBULANCE SERVICE: Carry over to 5/16/05.

(9) SCATTERED SITE HOUSING PROGRAM QUARTERLY REPORT:

Joan Stillwell, Community Development Director, presented the January-March 2005 quarterly report as follows:

C1 Grant \$400,000:

(a) Three Rehabilitation Projects:

<u>Cashiers (Bryson Branch)</u>	<u>Completed, approved by DCA</u>
<u>Whittier (Beck Branch)</u>	<u>Completed, approved by DCA</u>
<u>Sylva (East Cope Creek)</u>	<u>Completed, inspected 4/4/05</u>

(b) Three Location Projects:

<u>Cullowhee (Waycross Rd)</u>	<u>Completed, inspected 4/4/05</u>
<u>Sylva (East Sylva Circle)</u>	<u>Completed, approved by DCA</u>
<u>Sylva (Sutton Branch)</u>	<u>Completed, inspected 4/4/05</u>

(c) Work in Progress: Searching for future homes for replacement and/or rehabilitation.

(d) No problems or delays.

(e) Expenditures: Administration \$ 1,105.38
Project Funds \$103,483.29

L1 Volunteer Labor Grant \$200,000:

(a) Project Activities & Work in Progress:

<u>Pumpkintown Rd.</u>	<u>New construction; completed and approved by DCA</u>
<u>Morning Glory Rd.</u>	<u>New construction; 99% complete</u>
<u>Beta Road</u>	<u>New construction began March 15, 2005</u>

(b) No problems or delays.

(c) Expenditures: Administration \$ 955.50
Project Funds \$37,403.28

Ms. Stillwell also reported that Jackson County was one of two counties awarded the \$100,000 bonus grant. The Selection Committee is in the process of determining projects for that grant.

(10) SCATTERED SITE HOUSING PROGRAM FAIR HOUSING PLAN EXTENSION: Joan Stillwell, Community Development Director, presented a Fair Housing Plan extension. Due to time constraints, she requested the Board to take action at this meeting. Chairman McMahan suspended the rules and Commissioner Crawford moved to approve the extension. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(11) SCATTERED SITE HOUSING PROGRAM FUNDING APPROVAL AND BUDGET: Carry over to 5/16/05.

(12) BIDS – CASHIERS SRC IMPROVEMENTS: Mr. Westmoreland reported bids will be received on May 9th.

(13) PARKS MAINTENANCE HOUSINGKEEPING POSITION: Mr. Westmoreland recommended that the housekeeping responsibilities for the county's parks and associated facilities be transferred to the Housekeeping Dept. He also recommended that the new housekeeping position be authorized to begin June 1, 2005 so

that the FEMA position can transfer into the permanent position without any loss of time or break in service.

(14) **BUDGET PROCEDURES**: Procedures will be discussed during the next Budget Work Session.

(15) **SHOOTING RANGE ORDINANCE**: A Special Meeting was scheduled on May 10, 2005, at 3:00 p.m. to receive a copy of a proposed ordinance.

(16) **BUDGET WORK SESSIONS**: A Work Session was scheduled for May 10, 2005 at 3:15 p.m.

(17) **PROCLAMATION – NATIONAL LAW ENFORCEMENT WEEK**: Sheriff Ashe read the Proclamation declaring May 15 as National Law Enforcement Officers Memorial Day and May 15-21 as National Law Enforcement Week. At the request of Sheriff Ashe, Chairman McMahan suspended the rules and Commissioner Crawford moved to approve the Proclamation. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(18) **REVOLVING LOAN FUND**: Mr. Westmoreland reported that two of the revolving loans are current and four are delinquent. He stated that all of the agreements on the loans must be brought into compliance because a number of changes have been made previously to allow for deferred payments as well as other arrangements outside the contractual agreements without this Board's approval. He suggested that he and Darlene Fox be authorized to meet with the delinquent parties and determine the status of the loans. A report and recommendations will be made to this Board. All modification in loan payments must be approved by the Board of Commissioners. Chairman McMahan suspended the rules and Commissioner Burrell moved to authorize Mr. Westmoreland and Darlene Fox to meet with the delinquent loan parties and make a report to this Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(19) **REGIONAL AIRPORT AUTHORITY**: This Board previously adopted a resolution requesting the General Assembly to enact enabling legislation to create a Macon-Jackson Regional Airport Authority. Chairman McMahan reported that he had met with Representative Phil Haire, who had agreed to sponsor the legislation; however, the deadline for filing new legislation is May 19, 2005, and more information is needed to finalize wording of the Bill. Chairman McMahan reported that he, Commissioner Madden and Mr. Westmoreland met with Macon County officials concerning the proposed legislation.

Commissioner Madden stated that in his position as a commissioner and member of the Jackson County Airport Authority, he is aware of the proposed projects for the airport. The current Jackson County Airport, with its short runway, limits the use to smaller aircraft; thus, it has no economic benefit to the business community. Macon's airport has the capability of being extended to 5,000 feet and its facilities are in good condition. It would be in the best interests of the taxpayers for Jackson to join with Macon in forming a Regional Airport Authority and would see some significant benefit

with the investment of tax dollars. The benefit of the proposed legislation is that it is an enabling bill and does not require Jackson to join with Macon; it simply affords Jackson the opportunity to do so in the future. The Bill, if passed, does not obligate Jackson County in any manner; no financial commitment has been made to Macon County; no commitment has been made concerning representation on a Regional Airport Authority Board. It appears that tax dollars would be more wisely spent on an airport that might actually have some financial economic benefit and ultimately create jobs for this region. He recommended that this Board continue to meet with Macon County representatives and support the enabling legislation. Jackson County would be under no obligation unless it makes an appointment to the Regional Airport Authority Board.

Chairman McMahan reported that he has been advised that it would be at least a year before Macon County would be prepared to start the Regional Airport process. There are some other entities that may choose to join over the next year or so. If the legislation is not introduced at this time, then it will be two years before it can be considered again by the legislature.

Commissioner Madden stated there was one critical issue, i.e., Macon County is eligible for a \$1.9 million grant for a runway extension. The more support from regional partners certainly increases the chance of it be awarded the grant. Jackson County adopted a Regional Airport Resolution and adopted a Resolution concerning Macon County Airport runway extension.

Commissioner Madden reported that \$600,000 is available to the Jackson County Airport Authority through the Division of Aviation with “no strings” attached. These funds can be used for improvements at the airport such as hangars; however, there is a proposal to build 21 hangars at a cost of \$1.2 million. Thus the Airport Authority would need to obtain grants and/or borrow an additional \$600,000. If the Airport Authority can successfully receive federal and state money for the airport, then it needs to take advantage of those funds. At present the buildings are in disrepair and he encouraged improving the facility the best as possible with the money available, but no long term commitment. The Airport Authority should not encumber tax money. Mr. Holt stated that the Airport Authority cannot bind the county on a loan.

The Bill does not address financial obligations or composition of a board; it simply enables the Jackson County and Macon County Commissioners to form a Regional Airport Authority. Those details would be set out in the by-laws. It would become official only when Jackson County appoints a representative to the Board. The proposed Bill should be revised to delete the sentence “dissolution of the Jackson County Airport Authority”.

Commissioner Madden stated it was his opinion that this Board should remove all of its support since it has been alleged and maintained that the Board of Commissioners does not have any authority over the Airport Authority. He suggested that if the Airport Authority wishes to continue to operate the Jackson County Airport, it should be given that opportunity, but the Board of Commissioners should not be obligated to support it financially and not be encumbered or inherit any problems that might be created. The Board of Commissioners should simply remove itself from the potential chance of operating the airport.

Commissioner Coward moved to delete “dissolution of the Jackson County Airport Authority” from the proposed Bill and proceed with the enabling legislation. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(20) JACKSON DEVELOPMENT CORP. INC. FORECLOSURE: Chairman McMahan stated that in January 2005 this Board was alerted to the possibility that Triple S Partnership was going to foreclose on a first Deed of Trust executed by Jackson Development Corp. Inc., which was dated, signed and recorded on 7/18/02, in the original amount of \$250,000. Foreclosure proceedings have now been filed and a public auction is scheduled for May 17, 2005 at 11:00 a.m. Court documents reflect the balance owing as of March 17, 2005 is \$177,643.87 plus interest and costs.

Mr. Holt stated that the county has a considerable amount invested in the property; however, EDC holds a second Deed of Trust also dated 7/18/02, signed on 9/13/02, but not recorded until 9/16/02, in the original amount of \$568,000. He stated that the county has two choices: (a) bid at the public auction to protect the county’s interest, or (b) attempt to buy the deed of trust. It appears that Jackson Development Corp. borrowed all the money to purchase the property.

The purchase price for the property was approximately \$800,000. Mr. Westmoreland stated that it would cost a minimum of \$500,000 to repair the building. Q. C. Apparel currently occupies about one-fourth of the 100,000 sq. ft.

A Special Meeting was scheduled for May 10, 2005 at 3:00 p.m. to discuss the county’s position, if any, on this issue. Mr. Westmoreland was instructed to have the tax value of the property available and, if possible, photographs of the building. Mr. Westmoreland stated that it may not be possible to have structural information available by that date because an engineer would need to make an appraisal.

(21) ORDER – PERMANENTLY CLOSING ROADWAY (R05-14): A Public Hearing concerning the closing of the road was held on May 2, 2005 at 6:00 p.m. and no objections were made. Chairman McMahan suspended the rules and Commissioner Cowan moved to approve the Order. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(22) RESOLUTION – BRIDGE ACCESS FROM NC116 TO US23-441. (R05-15): This resolution requests the North Carolina Dept. of Transportation to do a feasibility study for constructing a bridge to carry NC 116 traffic over US 23/441 for the purpose of providing more efficient access.

(23) SOCIAL SERVICES BOARD APPOINTMENT: Dawn Madden’s term expires on June 30, 2005. She has agreed to continue to serve if re-appointed.

(24) CASHIERS RECREATION ADVISORY BOARD APPOINTMENTS: By letter, Jeff Carpenter, Director, recommended the following citizens, who have agreed to serve, on the Cashiers Recreation Advisory Board: Conrad Fowler, Jr., Lesley Madden, Jim Yoder, Mark Jones, Phil Ward, and Ashley Brabenec (student representative). This board will have one representative to the main Jackson County Recreation Advisory Board and terms will be determined for each member at the first

meeting. Further, this board will also serve as a steering committee for the construction of the new Cashiers Recreation Center.

(25) RESOLUTION - WORKERS COMPENSATION AGREEMENT: Mr. Westmoreland explained that this is an annual agreement for Jackson County to join the North Carolina Association of County Commissioners Joint Risk Management Agency Workers' Compensation Fund.

Commissioner Crawford moved that the Board go into Closed Session pursuant to G.S. 143-318.11(a)(5) Real Property. Commissioner Burrell seconded the Motion. Motion carried.

Chairman McMahan called the Open Session back to order and reported no action or votes were taken in Closed Session.

There being no further business, Commissioner Burrell moved that the meeting be adjourned. Commissioner Crawford seconded the Motion. Motion carried and the meeting adjourned at 8:50 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Brian Thomas McMahan, Chairman

