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Posted By: Evelyn Baker
Witness: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 6, 2005**

The Jackson County Board of Commissioners met in Regular Session on Monday, June 6, 2005, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chairman McMahan called the meeting to order.

AGENDA: Commissioner Crawford moved to approve the Agenda. Commissioner Burrell seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Regular Meeting of May 16, 2005, Special Meeting of May 20, 2005 and Special Meeting of May 23, 2005. Commissioner Burrell seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: None.

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

<u>General Fund Revenues Collected to Date</u>	\$ 34,088,938.39
<u>General Fund Expenditures to Date</u>	\$ 34,347,068.01
<u>Ad Valorem Tax Collected</u>	\$ 18,699,361.75
<u>Motor Vehicle Tax Collected</u>	\$ 845,150.61
<u>Prior Year Tax Collected</u>	\$ 727,664.81
<u>Sales & Use Tax for March 2005</u>	\$ 624,929.36
<u>Landfill Disposal Fees Collected</u>	\$ 1,079,942.31
<u>Contingency Balance</u>	\$ 41,205.00

(2) BUDGET AMENDMENTS:

<u>General Fund</u>	\$ 671,095.00)
<u>General Fund</u>	\$ (351,252.00)
<u>Criminal Justice Program</u>	\$ 18,000.00
<u>Health Dept</u>	\$ 105,995.95
<u>Health Dept</u>	\$ 2,045.89
<u>WNC HIV Consortium</u>	\$ 21,238.00
<u>Emergency Telephone Fund</u>	\$ 38,372.00
<u>EDC Fund</u>	\$ 7,058.37
<u>Capital Projects Fund</u>	\$ 358,000.00
<u>Landfill Fund</u>	\$ 301,405.00

(3) CHAIRMAN'S REPORT: Chairman McMahan gave an update of House Bill 1051 sponsored by Rep. Phil Haire. This Bill would enable Jackson and Macon County to create a Regional Airport Authority. This Bill will not cause the Jackson County Airport to close. He reminded the Board of the Cashiers-Glenville VFD Annual Ham Breakfast fundraiser on June 11th.

(4) COMMISSIONERS REPORT: None.

(5) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported that after a long period of working through a number of technical details, the county will shortly be able to collect taxes and fees owed to the county via VISA, MasterCard and debit cards. The complication has been the state statute which disallows the county from discounting taxes. Any fees paid to credit card companies for collection is construed as a discount. The system will first be put in the tax collector's office for collection of motor vehicle and personal taxes and hopefully be available for real property tax collection later in the fall. In the future, paying by credit card will also apply to the payment of other county fees such as landfill fees, building permits, well and environmental health permits, etc.

(6) PLANNING DEPT. REPORT: Linda Cable, Planning Coordinator, submitted a written report stating that the Planning Board is continuing to work on a Shooting Range Ordinance. 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: three Erosion Control Permits, one Off Premise Sign, and one Cell Tower Permit. Three new Erosion "Notice of Violations" have been issued. The Erosion Control Officer is continuing to work with the property owners concerning the six violations issued in April and May.

Board Vacancies: There will be four vacancies on the Planning Board as of September 16, 2005. Tammy Bryson has resigned from the Cashiers Area Community Planning Council; however, Adrian Fowler, Jr. and Charlie Ward, alternates, have been attending the council meetings and either could be appointed to fill the vacancy.

Land Development Plan: Ms. Cable stated she had four useful reports including the most recent Smart Growth information. She will be working with the municipalities, WCU and other agencies for a complete approach to a plan. She stated that the county's demographic information must be updated and, with a unified approach, a plan can be developed that will focus on issues that will meet the requirements imposed on DOT by the general statutes so it can continue with the traffic study for Jackson County. This plan will not be a mandatory development plan. It will simply be a guide that will inform the county where development is anticipated to occur over the next several years and offer suggestions. Further, without this information, it will be difficult for the DOT study team to determine what the transportation needs will be. She stated that with guidance and assistance from the planning board, the division of community assistance, DOT, a consultant, and the municipalities, a plan can be drafted within six months for the Board's consideration.

(7) BIDS – CASHIERS SRC IMPROVEMENTS: Mr. Westmoreland reported that only one bid was received and was in excess of \$100,000 above the engineer’s estimate. He recommended that the bid be rejected and the project be reconfigured to bring it more in line with the budget.

(8) BIDS – CANADA PARK IMPROVEMENTS: Mr. Westmoreland reported that three bids were received, all in excess of the engineer’s estimate. However, after he met with community leaders, it was determined that this project cannot be modified in any manner since the bids are basically for site work. The community leaders understand that if a bid is accepted, it will mean that there will be some delay in the actual improvements to the park facility. The low bid is within the PARTF grant and available funds. He recommended that the bid be awarded to WNC Paving in the amount of \$248,000.00.

(9) HABITAT FOR HUMANITY: Sandy Bishop, on behalf of Habitat for Humanity, reported that since the last meeting he had talked with Joe Cline of TWSA concerning sewer connections. Mr. Cline informed him that it was TWSA’s policy to provide one free hook-up per year to a “Habitat” home. He again requested that the county convey the “Former Dumpster Site” property located on Highway 107 in Cashiers consisting of 1.23 acres to Habitat for Humanity. The property will be used as a site for 3 – 4 affordable houses for low income citizens. If the property is conveyed, Habitat plans on building at least one house on the site this fall. Commissioner Burrell recommended that the property be conveyed to Habitat for Humanity. Chairman McMahan stated he would like to visit the property prior to a decision being made.

(10) AGREEMENT W/USDA RURAL DEV. FOR LOW INCOME HOUSING RENOVATION & ASSISTANCE: USDA Rural Development operates a home repair loan and grant program. This program is targeted toward homeowners who have very low incomes and are unable to provide for home repairs from their own resources and unable to obtain affordable financing through conventional loan sources. Assistance is needed to locate individuals who need the assistance, in packaging applications, and in writing specifications for work to be performed. The services to be provided by the county will be to explain to the homeowner the role of the partner and obtain the homeowner’s signature on an agreement, and package a complete application for the USDA Rural Development. Mr. Westmoreland stated that the Community Development Commission in Raleigh has recommended that the county’s office of Community Development handle these programs. The county will receive payment for work performed based on services provided, i.e., application packaging services \$300, specification preparation services \$200. No payment will be made if the loan or grant is not made.

(11) JULY 4TH FIREWORKS – HISTORIC COURTHOUSE: Jeff Carpenter, Director of Recreation & Parks Dept., requested that his office be allowed to use the Historic Courthouse lawn for July 4th fireworks. He has contracted with Melrose Pyrotechnics and will secure all necessary permits. Because of the deadline for approving a contract, Chairman McMahan suspended the rules and Commissioner Burrell moved to

approve the request. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(12) **JULY 4TH FIREWORKS – CASHIERS**: Jeff Carpenter, Director of Recreation & Parks Dept., requested that his office be allowed to use the Cashiers Community Park for July 4th fireworks. He has contracted with Melrose Pyrotechnics and will secure all necessary permits. Because of the deadline for approving a contract, Chairman McMahan suspended the rules and Commissioner Crawford moved to approve the request. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(13) **SMH SCIENCE BLDG. & MULTIPURPOSE ROOM CHANGE ORDERS**: Mr. Westmoreland reported that the change order is for renovations to the old shop area, provide for two new classrooms, and provide the mechanical HVAC system to all the new additions on the north side of “A” Building which will later lead into the performing arts building and new gym. The mechanical work can be completed during the summer months if approved immediately. Funds are available through the project ordinance. He reported that he had talked with Alex Bell, SMH Principal, who approved the entire proposal. Mr. Westmoreland recommended approval of the change order. Because of the limited time frame for completing the project, Chairman McMahan suspended the rules and Commissioner Burrell moved to approve the change order. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(14) **JULY MEETING DATE**: The Board agreed to schedule Thursday, July 14th, as the only regular meeting date in July.

(15) **COMPREHENSIVE LAND DEVELOPMENT PLAN**: Chairman McMahan submitted a letter dated March 14, 2005 from DOT regarding a Resolution for a Comprehensive Traffic Study & Plan for the NC 107 corridor from Dillsboro to Cullowhee. DOT is required, pursuant to G.S. 136-66.2, that current local land development planning be incorporated into the development of transportation plans. However, the county does not have a land development plan. In order for DOT to proceed, a Comprehensive Land Development Plan must be adopted. The plan would consist of basic demographic studies, general land use plans, along with goals and objectives for development in the county. The majority of the documents for the plan are already available. The municipalities will also be affected, thus they must also adopt plans which could be added to the county’s plan. Ms. Cable stated she would be working with the municipalities and a proposed plan should be available for the Board’s approval by the end of the year.

Because of the urgency of the issue, Chairman McMahan suspended the rules and Commissioner Cowan moved to direct the planning department to draft a Comprehensive Land Development Plan for Board approval. Commissioner Burrell seconded the Motion. A Comprehensive Land Development Plan, if adopted, would be non-regulatory. Motion carried by unanimous vote.

(16) RESOLUTION (R05-18) DESIGNATION OF NATIONAL INCIDENT MANAGEMENT SYSTEMS. This Resolution establishes the National Incident Management System (NIMS) as the county standard for incident management and all emergency agencies under county control will function under the NIMS standards. In order for the county to continue to receive federal funds, Chairman McMahan suspended the rules and Commissioner Crawford moved to adopt the Resolution. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(17) RESOLUTION (R05-19) DESIGNATION OF APPLICANT'S AGENT – HURRICANE DISASTER RECOVERY PROGRAM: This Resolution is required as a part of the terms of a grant for the Hurricane Disaster Recovery Program from the North Carolina Dept. of Crime Control & Public Safety.

(18) APPOINTMENT TO COMMUNITY ADVISORY COMMITTEE FOR NURSING & ADULT CARE HOMES: Sarajane H. Melton, Regional Ombudsman, Southwestern Commission, recommended that Gail Revis be reappointed for a three year term.

(19) APPOINTMENT TO SOUTHWESTERN COMMUNITY COLLEGE BOARD OF TRUSTEES: The Macon County Board of Commissioners, by letter, recommended that Melvin “Pete” Penland be reappointed to the SCC Board of Trustees for the term of July 1, 2005 – June 30, 2009.

Commissioner Cowan 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 Cowan moved that the meeting be adjourned. Commissioner Burrell seconded the Motion. Motion carried and the meeting adjourned at 7:35 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Brian Thomas McMahan, Chairman

