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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
JULY 14, 2005**

The Jackson County Board of Commissioners met in Regular Session on July 14, 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
Eddie Madden, 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 and reminded the Board that since this is the only meeting in July, he suspended the rules so that action can be taken.

AGENDA: Chairman McMahan amended the Agenda by adding Shooting Range Ordinance. Commissioner Crawford moved to approve the amended Agenda. Commissioner Burrell seconded the Motion. Motion carried.

MINUTES: Commissioner Madden moved to approve the Minutes of the Regular Meeting of June 20, 2005. Commissioner Crawford seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: Alvin Frady, Chairman of the Jackson County Cemetery Board, reported that the majority of the clean up work at the cemetery has been done. He expressed appreciation to the Grounds Dept. for their assistance. A monument should be on site next week. A flag pole has been donated by Woodmen of the World. He thanked the Board for its financial support and assistance.

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

<u>General Fund Revenues Collected to Date</u>	<u>\$ 36,711,463.85</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 38,108,591.10</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 18,763,408.07</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 902,639.11</u>
<u>Sales & Use Tax for April 2005</u>	<u>\$ 753,037.59</u>
<u>US Dept of Interior</u>	<u>\$ 114,442.00</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 1,085,339.77</u>
<u>Contingency Balance</u>	<u>\$ 41,205.00</u>

(2) BUDGET AMENDMENTS & GRANT PROJECT ORDINANCE:

<u>General Fund</u>	\$ 188,100.00
<u>DSS Facility Fund</u>	\$ 75,000.00
<u>School Improvement Fund</u>	\$ 89,800.00
<u>General Fund</u>	\$ 341,899.90
<u>TTA</u>	\$ 25,754.00
<u>Capital Projects Fund</u>	\$ 27,880.00
<u>School Improvement Fund (SMH)</u>	\$ 295,800.00
<u>School Improvement Fund (SMH front entry)</u>	\$ 52,000.00
<u>Human Services Fund</u>	\$ 154,000.00
<u>DSS Facility Fund (architect fees)</u>	\$ 16,000.00
<u>Grant Project Ordinance – Emer.Watershed</u>	\$ 480,408.00

Commissioner Burrell moved to approve the Finance and Tax Collector's Reports for June 2005, Budget Amendments and Grant Project Ordinance. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(3) CHAIRMAN'S REPORT: Chairman McMahan reported the following:

- (a) He attended the Land Use Development Committee meeting on June 22nd.
- (b) He attended a meeting at the Pathways Center on June 30th for a presentation of the study it performed at the Jackson County Recreation Center pertaining to compliance with the Americans With Disabilities Act. Some minor improvements were recommended which will be addressed by the Maintenance Dept. Pathways has agreed to evaluate the new DSS Building.
- (c) He attended the Emergency Services meeting held at the Balsam Fire Dept. on July 12th.
- (d) He met with DOT representatives today and was given the 2005 Secondary Road Construction Schedule. Due to state budget cuts, several improvements have been deferred until a later date.
- (e) He requested the Board to consider a date (December 8 or 15) for the annual Employee Christmas Luncheon. A definite date will be selected at the August meeting.

(4) COMMISSIONERS REPORT: Commissioner Madden submitted and read his letter of resignation from the Airport Authority Board. He also read, pursuant to Senator John Snow's direction, a letter dated July 13, 2005 from Senator Snow to Tom McClure concerning the Jackson County Airport and the Regional Airport Bill (H1051) presently under consideration by the Legislature.

(5) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported that the Health Dept. has been informed by the State that it will be receiving full funding for the Adolescent Pregnancy Prevention Program for the next five years. The Social Services Dept. will be moving to its new facility on July 22 - 26.

(6) PLANNING DEPT. REPORT: Linda Cable, Planning Coordinator, reported that the Planning Board has drafted three ordinances, Shooting Range Ordinance, Solid Waste Ordinance, Animal Control Ordinance, for consideration by the Board of Commissioners. Preliminary plans for a new 18-condo project in Cashiers have been submitted to the Cashiers Design Review Board. Four students, under the direction of Mary P. Dargan, are creating a signage inventory for the Cashiers commercial district. Pursuant to erosion permit application, there are 1,419 acres being disturbed in the county at present. This acreage does not include single-family home development or other minor projects. The following permits were issued in June: three Erosion Control Permits and two Cashiers Sign Permits. Four new Erosion "Notice of Violations" have been issued. The Erosion Control Officer is continuing to work with the property owners.

Land Development Plan: Ms. Cable reported that the Land Development Plan Committee met on June 22, 2005 and has begun drafting a format for the plan. The mapping department is preparing maps for the project. The committee will meet again in a couple of months.

(7) **SAVANNAH PARK:** Chairman McMahan reported that the county has been successful in locating suitable property for a park in the Savannah Community at a cost of \$120,000. Commissioner Crawford moved to authorize the purchase. Commissioner Cowan seconded the Motion. Mr. Westmoreland stated that funds for the purchase were a part of the FY05-06 budget. Motion carried by unanimous vote.

(8) **KINSLAND TRUCKING, INC.:** Mr. Westmoreland reported that last year the Board approved an amendment to the solid waste hauling contract to include a fuel adjustment clause; however, fuel prices have exceeded the parameters of that contract. He recommended that the contract be amended to provide for acceptable fuel adjustments up to \$3.00 per gallon. Commissioner Madden moved to approve the amendment. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(9) **U.S. TIRE RECYCLING:** Mr. Westmoreland reported that U.S. Tire has requested an adjustment of two dollars per ton handling charge in lieu of a Consumer Price Adjustment authorized under the contract. The adjustment would raise the cost from \$91.00 to \$93.00 per ton. The total anticipated annual cost to the county at present collection volumes would be \$550.00; however, the county's actual expenses are reimbursed annually by the State. He recommended approval of the contract amendment. Commissioner Burrell moved to approve the amendment. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(10) **JACKSON COUNTY RECREATION CENTER EXPANSION:** Mr. Westmoreland reported that the approved FY05-06 Budget authorizes funds for A & E design services for the expansion of the recreation center in Cullowhee. The original facility was designed by Padgett & Freeman Architects of Asheville. Padgett & Freeman are interested in doing the expansion. He recommended that Padgett & Freeman, from a practical standpoint and because of their initial design work, be awarded the contract. Their fee, based upon anticipated construction costs would be 7.3% which is consistent with what the county has been paying for A & E services on other projects. Commissioner Cowan moved to approve the recommendation. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(11) **CABLE TV FRANCHISE AGREEMENT:** Mr. Westmoreland reported that a committee, composed of representatives from each of the municipalities and the county, has been working over the past year developing a model cable TV franchise ordinance. The purpose of the model is to insure uniformity among the jurisdictions with regard to the level of service, quality of service, service extensions, length of contract, franchise fees, etc. The municipal franchises must be completed by October. Even though the county's franchise has not expired, he recommended that the county consider the same schedule as the municipalities, i.e., August 1 – receive report from Joint

Committee; August 15 – Hold Public Hearing on Ordinance; September 12 – give first reading of Ordinance; and September 19 – give second and final reading of Ordinance. This issue will be placed on the August 1st agenda.

(12) **LAKE GLENVILLE BOAT DOCKS**: Mr. Westmoreland presented a map of properties located near the Lake Glenville dam on Pine Creek Road. His research reveals that a portion of the lake shore was leased to the county in 1974. Some property owners on Pine Creek Road have petitioned Duke Power for permission to build boat docks, but Duke Power denied those requests because the property is leased to Jackson County. He asked if the Board had any interest in allowing a letter to be written to Duke Power indicating that the county has no immediate or future intention of utilizing the balance of the leased property for any other public reason and to allow the property owners to construct boat docks pursuant to the same guidelines as other docks on Lake Glenville. Some of the Commissioners want to visit the site prior to making a decision. This issue carried over to August 1st.

(13) **SCHOOL CAPITAL IMPROVEMENT PROJECTS**: Mr. Westmoreland reported he and Sue Nations, School Superintendent, had met with the architect and engineers to come up with a feasible schedule for other improvements at SMH as follows:

(a) **STREAM**: Victor Lofquist, Engineer, has worked diligently on the stream mitigation issue with the Corps of Engineers and DEHNR. He has been given written approval by the Corps of Engineers and verbal approval from DEHNR to a solution by using a half culvert which is basically covering the stream but leaving its travel path as is. The stream will be undisturbed for approximately 600 ft. through the entire length of the project. The cost has not been specifically determined. Mr. Lofquist stated that the cost for placing a “bottomless” culvert over the stream would cost less than mitigation. He stated the culvert “archway” procedure has been done elsewhere. The issue of how to prevent anyone from getting into the culvert is still being studied by the experts.

(b) **UTILITIES**: The costs for relocation and placing utilities underground are approximately \$450,000.

(c) **ROADS**: Commissioner Burrell informed Mr. Westmoreland today that DOT has allocated \$365,000 towards the perimeter road and Jones Road construction and improvements. \$50,000 of that amount is allocated for a school bus parking lot, \$15,000 for necessary condemnation to complete the project, and the balance for construction of the road.

(d) **REVERSAL OF PHASES**: The projects could be reversed from what had been previously presented as Phase I and Phase II. Phase II would now become “Phase I” and Phase I would now become “Phase II”. All of the “new Phase I” work could be done while school is in session.

(e) A joint meeting with the school board will be scheduled as soon as possible to discuss the proposed alternative plans.

(14) RESOLUTION (R05-22) DESIGNATION OF “ROY EUGENE ASHE MEMORIAL HIGHWAY. Sheriff Ashe requested that the Board adopt a Resolution to name two miles of Highway 441 the “Roy Eugene Ashe Memorial Highway”. Roy Ashe served as a Deputy Sheriff from 1981 to 1995 when he was killed in the line of duty. Commissioner Crawford moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(15) APPOINTMENT TO REGION A ADVISORY COUNCIL: Helen Bryson, Director of Dept. on Aging, recommended by letter that Kristina Kisha be appointed to a 3-year term on the Region A Advisory Council. Commissioner Madden moved to approve the recommendation. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(16) APPOINTMENT OF TAX ASSESSOR: Mr. Westmoreland reported that Bobby McMahan has completed all required training and has received certification as a Tax Assessor. He recommended that Mr. McMahan be appointed for a four year term effective July 1, 2005. Commissioner Cowan moved to approve the recommendation. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(17) APPOINTMENT TO JURY COMMISSION: Commissioner Burrell moved to re-appoint Earl Hooper to the Jury Commission. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(18) APPOINTMENT OF VOTING DELEGATE TO NCACC ANNUAL CONFERENCE: Chairman McMahan volunteered to attend the NCACC Annual Conference in Mecklenburg County August 25-28, 2005. Commissioner Madden moved to appoint Chairman McMahan as Jackson County’s voting delegate at the NCACC Annual Conference. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(19) APPOINTMENTS TO JUVENILE CRIME PREVENTION COUNCIL: The Council recommended that Lib Jicha, John Buchanan, Steve Lillard, Mike Bonfoey, Dusty Snider, James Collins, Carol Ann Cope, Kenneth L. Westmoreland, Elizabeth Likis-Werle, Paul Christy, Commissioner Joe Cowan, Francis Cheek, Kyle Shuey, Sean Johnson, Monica Leslie, Teri Clark, Sue Evans, Barbara Jefferys, Rusty Ellis, Stacy Lake, Jenna Collins, John Douthit, Tom Hill and Robin Minick be appointed be appointed to the Juvenile Crime Prevention Council. Commissioner Cowan moved to approve the recommendations. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(20) APPOINTMENT TO PLANNING BOARD: Carry over to August 1st.

(21) SHOOTING RANGE ORDINANCE: Carry over to August 1st.

Commissioner Crawford moved that the Board go into Closed Session pursuant to G.S. 143-318.11(a)(3) Legal and G.S. 143-318.11(a)(6) Personnel. 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 8:45 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Brian Thomas McMahan, Chairman

