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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  
SEPTEMBER 6, 2005**

The Jackson County Board of Commissioners met in Regular Session on September 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  
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.

**AGENDA:** Chairman McMahan amended the Agenda by adding Request for Airport Feasibility Study and Request for Fireworks Display at SMH. Commissioner Crawford moved to approve the amended Agenda. Commissioner Burrell seconded the Motion. Motion carried.

**MINUTES:** Commissioner Burrell moved to approve the Minutes of the Public Hearing of August 15, 2005, Regular Meeting of August 15, 2005 and Special Meeting of August 29, 2005. Commissioner Cowan seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:** None.

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

<u>General Fund Revenues Collected to Date</u>	<u>\$ 5,921,548.89</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 6,200,595.44</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 2,920,317.90</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 93,323.68</u>
<u>Sales &amp; Use Tax for June 2005</u>	<u>\$ 889,633.45</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 152,876.72</u>
<u>Accounts Receivable for fiscal year ending 6/05</u>	<u>\$ 1,915,915.12</u>
<u>Contingency Balance</u>	<u>\$ 179,729.00</u>

**(2) BUDGET AMENDMENTS:** Darlene Fox, Finance Director, presented the following budget amendments and requested action, for audit purposes, at this meeting:

<u>General Fund</u>	<u>\$ 7,385.00</u>
<u>Emerg. Telephone &amp; TTA</u>	<u>\$ 39,250.00</u>

Pursuant to the request, Chairman McMahan suspended the rules and Commissioner Burrell moved to approve the Budget Amendments. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(3) CHAIRMAN'S REPORT:** Chairman McMahan reported:

(a) He and Commissioner Burrell attended the 40<sup>th</sup> Anniversary Region A meeting. He was appointed as second vice chair on the Region A Board.

(b) He attended the NCACC 98<sup>th</sup> Annual Conference on August 25 – 28. He was elected to a two-year term as the District 17 representative on the North Carolina Association of County Commissioners' Board of Directors.

(c) He attended the Sheriffs Standards and Training Commission on August 30<sup>th</sup> hosted by Sheriff Ashe. Sheriffs from throughout the state were in attendance. Sheriff Ashe was recently named to the N. C. Private Protective Service Board

(d) WCU has invited the Board to a "Sneak Peek" at the new Performing Arts Center on September 13<sup>th</sup>.

(e) Savannah Fire Dept. has scheduled an Open House on September 18<sup>th</sup> at 2:00 p.m.

(f) A Work Session was scheduled on September 27<sup>th</sup> at 6:00 p.m. to discuss the Health Dept. Needs Assessment.

(g) The DSS Open House is tentatively scheduled on October 4<sup>th</sup>, 5:00 – 7:00 p.m.

**(4) COMMISSIONERS REPORT:** Commissioner Crawford reported that a fund raiser titled "Jackson County Cares" for Hurricane Katrina relief has been scheduled for September 9<sup>th</sup> (noon – 5:00) and 10<sup>th</sup> (8:00 – 5:00) at the Justice Center. Accounts have been set up in BB&T, Wachovia, Macon Bank and United Community Bank. Music, food and other entertainment will be provided on Saturday. The funds will be donated to the Red Cross, Hearts with Hands, and Salvation Army.

Commissioner Madden reported that a fund raiser will be held at the Caney Fork Community Building on Saturday, September 10<sup>th</sup> at 6:00 p.m.

**(5) COUNTY MANAGER'S REPORT:** None.

**(6) PLANNING DEPT. REPORT:** Linda Cable, Planning Coordinator, reported that the Jackson County Land Development Committee met on August 17<sup>th</sup>. Each of the entities has begun development of their section of the plan. The next meeting is September 21<sup>st</sup>. The Dept. of Environment & Natural Resources was tasked by the Hurricane Recovery Act of 2005 to conduct landslide mapping in nineteen western counties. The focus of the workshops is to tie the region's awareness of landslide risks together with new geohazards risk mapping that the N. C. Geological Survey is developing. The Planning Dept. is working with WATR, Cherokee, Swain and Macon County to host a Clear Water Training Conference for local contractors to be held in 2006. July/August Permits: 2 Erosion Control Permits and 2 Cell Tower Permits. Five new Erosion Violations have been issued. One violation has filed an appeal to be heard on September 15<sup>th</sup>.

**(7) BENEFICIAL GAS PROJECT:** Mr. Westmoreland recommended that Timothy A. Muth, d/b/a Littlestone Technical Services, be contracted to oversee the implementation of the master plan in its entirety, including, but not limited to, construction of buildings, gas collection systems, etc. Mr. Muth worked as an engineer

with the N. C. Dept. of Energy and helped the county obtain its first grant on the project. He now lives in Dillsboro.

**(8) CASHIERS LIBRARY EXPANSION BID:** Mr. Westmoreland reported that Blue Ridge Enterprises was the low bidder at a base bid of \$1,673,000.00 which is \$173,000.00 over budget. There were a number of alternates to be added if needed, i.e., SCC site, site water, site sewer, additional clearing, recaulk existing windows, sewage pump, stage lights, and sewage pump, for a total amount of \$2,118,200.00. Mr. Osowski, architect, reviewed the bids over the weekend and recommended that it be awarded to Blue Ridge Enterprises. Dr. Barbara Carlton of Cashiers has previously committed to raising 50% of the construction costs based on \$1.5 million; however, the county has not discussed the new bid amount with her. In order to expedite construction, Chairman McMahan suspended the rules and Commissioner Madden moved to award the bid to Blue Ridge Enterprises. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

**(9) AMENDMENT TO GDS CONTRACT:** Mr. Westmoreland stated that for the past several years the county has had a contract with the Eastern Band of Cherokee Indians to do solid waste collection in the Soco Mountain area. He stated it would be more feasible to contract with GDS to provide the service which would save the county approximately \$3,000 annually. He recommended that the amendment be approved.

**(10) CASHIERS LIBRARY ACCESS ROAD CONTRACTS:** Carry over.

**(11) DISPOSAL OF FIXED ASSETS:** The Town of Sylva has offered to purchase a surplus mounting machine and balancer for the sum of \$1,000.00.

**(12) WATERLINE AGREEMENT WITH TWSA AT NEW LIBRARY SITE:** Mr. Westmoreland stated that TWSA has not furnished a metes and bounds description as of today. The easement is for access to TWSA's new water storage facility to be located on the mountain behind Jackson Plaza. TWSA is requesting permission to cross the edge of the proposed new library site. He stated the county's engineers and architects have reviewed the site and concluded there would be no complications or intrusion regarding library development. The county is entitled to some type of compensation from TWSA for the easement.

**(13) RESOLUTION AUTHORIZING FINANCING BY QUALLA FIRE DEPT:** Kent Moore of the Qualla Fire Dept. presented architectural drawings of the new Holly Cove Substation to be built in the Qualla District.

<u>Holly Cove Substation:</u>		<u>Funding:</u>	
Base Bid	\$ 260,000.00	Balance of FY05 Appropriation -	\$ 179,812.75
Ambulance Bay	\$ 30,000.00	BB&T Loan	- \$ 700,000.00
Sitework	\$ 86,314.00		\$ 879,812.75
	\$ 376,314.00		
<u>Qualla Station:</u>			
Building & Sitework	\$ 503,498.75		

The substation will contain four drive-through bays and a bay for an ambulance. Negotiations are underway with WestCare concerning leasing the ambulance bay. The building will also contain an office for the Sheriff's Dept. Allison Outdoor Sign Co. has billboards located on the substation property and would like to continue to rent the space with payments on an annual basis. The substation has sufficient property to expand in the future. There will be 3 fire trucks located at each site. Renovations to the Qualla Station will not commence for about a year.

In order to expedite financing, Chairman McMahan suspended the rules and Commissioner Crawford moved to adopt the Resolution. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

**(14) CABLE TV FRANCHISE AGREEMENT/ORDINANCE – FIRST READING:** Mr. Westmoreland stated that the franchise fee has been increased from 3% to 5%. Maggie Blythe, Mediacom representative, stated that she had investigated some of the issues raised at the public hearing. The franchise is non-exclusive and other entities can apply to the county for a franchise. Commissioner Burrell moved to approve the first reading of the Cable TV Franchise Agreement/Ordinance. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote. A second reading will be at the September 19<sup>th</sup> meeting.

**(15) APPOINTMENTS TO PLANNING BOARD:** There are four vacancies on the Board. Bob Ginn, Sue Bumgarner, Ira Jones and Richard Frady have agreed to continue to serve if reappointed.

**(16) APPOINTMENTS TO SEDIMENT CONTROL APPEALS BOARD:** There are two vacancies on the Board. Commissioner Crawford stated she could not have a recommendation from District One to fill Gary Buchanan unexpired term until the next meeting. Because an appeal is pending, Chairman McMahan suspended the rules and Commissioner Madden moved to reappoint Phil Ward to a four year term on the Sediment Control Appeals Board. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**(17) AIRPORT FEASIBILITY STUDY:** Chairman McMahan stated that because of the recent mudslides and questions concerning the airport, he recommended that the N. C. Dept of Transportation, Division of Aviation, be requested to conduct a feasibility study of the Jackson County Airport. The last feasibility study was in August 1997. A feasibility study would make recommendations or options of what could be done to make the airport beneficial to the county. The Division of Aviation has agreed to assist in funding the study. Commissioner Crawford moved to request the Division of Aviation to conduct a feasibility study and assist in funding for same. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(18) SMOKY MOUNTAIN HIGH SCHOOL – REQUEST FOR FIREWORKS DISPLAY:** Smoky Mountain High School requested permission for a fireworks display as part of the festivities during a football game on September 16<sup>th</sup> at the high school stadium. The pyrotechnics display will be managed by the Jackson County Recreation &

Parks Dept. in cooperation with high school staff. Chairman McMahan suspended the rules and Commissioner Cowan moved to approve the request. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

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 Burrell moved that the meeting be adjourned. Commissioner Madden seconded the Motion. Motion carried and the meeting adjourned at 8:15 p.m.

Attested By:

Approved:

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Evelyn B. Baker  
Clerk to the Board

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Brian Thomas McMahan, Chairman

