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Posted By: Evelyn Baker
Witness: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 17, 2005**

The Jackson County Board of Commissioners met in Regular Session on October 17, 2005, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Absent: Conrad Burrell, Commissioner

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the Agenda by adding Crisis Housing Assistance Fund Grant, Cashiers Library Expansion/SMH Improvements and Qualla Fire Dept. Commissioner Crawford moved to approve the amended Agenda. Commissioner Madden seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Regular Meeting of October 3, 2005. Commissioner Madden seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: None.

(1) FINANCE & TAX COLLECTOR REPORTS FOR SEPTEMBER 2005:
Commissioner Madden moved to approve the Finance & Tax Collector Reports for September 2005. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(2) CHAIRMAN'S REPORT: Chairman McMahan reported:
(a) On October 9th he presented a Proclamation to Al Cameron in honor of his 90th birthday.
(b) On October 14-16 he attended the NCACC Board of Directors meeting in Ashe County. Some items of special interest were: House Bill #1779 permitting license tag offices to collect motor vehicle taxes; NCACC opposes the budget shortfall for mental health programs; and because the county offers its retirees prescription drug benefits, it is eligible to apply for a 28% tax free federal subsidy.
(c) October 20th, 5:00 p.m. – DSS Open House

- (d) October 22nd, 4:00 pm - Cullowhee Fire Dept. Annual Bar-be-que dinner.
- (e) November 3rd, 5:30 pm - Work Session Re: Health Dept. Needs Assessment
- (f) November 11th 12 noon – Veterans Day Ceremony at the fountain on Main St.

(3) COMMISSIONERS REPORT: Commissioner Madden requested that only one Board meeting be scheduled in November. By consensus, the Board agreed that the only meeting will be November 7th.

(4) COUNTY MANAGER’S REPORT: Mr. Westmoreland reported that last Thursday he met with all the architects, engineers, utility contractors, and DOT representatives regarding SMH Phase I, Phase II and utility relocation projects. Progress, as it applies to the schedule previously presented at the joint meeting with the Board of Education, is on schedule. All utility projects are expected to be completed by the end of January 2006. The design work, including the amendment concerning the inverted culvert will be put out for bids very shortly and submitted for approval after the first of year. DOT is prepared to move forward with the first segment of improvements to Jones Street and has \$350,000 for that project which was committed by Commissioner Burrell and the legislative delegation plus an additional \$50,000 for the school bus parking lot.

(5) WATERLINE AGREEMENT W/TWSA ACROSS LIBRARY PROPERTY, SYLVA: Carry over. Mr. Westmoreland reported that TWSA only received the survey on October 14th. TWSA’s attorney has not prepared the proposed easement; however, the construction crew is actually on site and doing the work. He talked with Mr. Cline of TWSA earlier today and for the county to not approve the easement would hold up construction until the next Board meeting, November 7th, which would be a severe imposition on the construction crew. Mr. Cline stated he would assure the county that the easement would be staked and inspectors will be on site daily to assure that the contractors follow the easement precisely. Essentially the county will follow up with a written easement after the fact. Mr. Westmoreland stated he did not anticipate a problem with this procedure.

(6) HOOPER RIGHT OF WAY AGREEMENT, SCC CASHIERS: Carry over. Mr. Westmoreland reported that the complication with this agreement is that the property involves a Trust; however, the attorneys are continuing to work on the document.

(7) APPOINTMENT TO NURSING & REST HOME COMMUNITY ADVISORY BOARD: Commissioner Cowan moved to appoint Helen Bryson to a one-year term on the Nursing & Rest Home Community Advisory Board. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(8) APPOINTMENT TO CRIMINAL JUSTICE PARTNERSHIP BOARD: Commissioner Madden moved to appoint Karen Martin to the CJPP Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(9) APPOINTMENTS TO CASHIERS DESIGN REVIEW BOARD:

Commissioner Madden moved to re-appoint Johnny Hooper to a 3-year term on the Cashiers Design Review Board. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

Commissioner Crawford will make a recommendation for the remaining vacancy.

(10) APPOINTMENTS TO CASHIERS PLANNING COUNCIL:

Commissioner Madden moved to re-appoint Ed Henson to a 3-year term on the Cashiers Planning Council. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

There are three vacancies still remaining on the Council - one of which will be recommended by Commissioner Crawford, one alternate by Commissioner Cowan and one alternate by Chairman McMahan.

(11) CANADA PARK UTILITY EASEMENT:

Mr. Westmoreland stated that Canada Park improvements involve relocating utility lines underground by Haywood Electric Membership Corp. Commissioner Cowan moved to ratify the utility easement. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(12) RESOLUTION (R05-29) SMOKY MOUNTAIN CENTER:

This Resolution is in support of Smoky Mountain Center's application for a residential home in its catchment area. Commissioner Crawford moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(13) REPORT ON STUDY TO PREVENT ALCOHOL RELATED CONSEQUENCES:

Elizabeth Likis-Werle, WCU SPARC Coordinator, stated that the goals of this study are to implement and evaluate a comprehensive intervention that will effect environmental changes on the WCU campus and in the community to reduce the incidence of alcohol-related problems among college students. The affect on Jackson County are the costs associated with law enforcement resources. The main purpose is to address high risk drinking in the community, not just on campus. SPARC is working with the Sheriff's Office, Sylva Police and other law enforcement agencies. SPARC plans to draft a comprehensive program to address alcohol related consequences. She requested the Board's support of the study.

(14) CRISIS HOUSING ASSISTANCE FUND GRANT (CHAF):

Mr. Westmoreland stated that the county has been awarded CHAF No. 050-0-04 Grant in the amount of \$1,451,000.00 for repair/rehabilitation or replacement of houses damaged by Hurricanes Ivan and Francis in 2004 together with an administrative award in the amount of \$188,700.00. He stated that the county was notified just recently that it has 30 potential applicants whose houses were impacted by the hurricanes. He was advised this involves 15 repairs and 15 replacements; however, the exact number will be determined after further documentation. Only homeowners who filed a claim with FEMA or some other entity are eligible for consideration.

This program is more complex than the Scattered Site Housing Program and is far beyond the county's ability to do this work without assistance of professionals. RSM Harris Associates, Inc. has submitted a contract for the planning, administration, management and technical services related to the grant. He recommended that RSM Harris Associates, Inc. be placed under contract to assist Joan Stillwell, Community Development Director, in the implementation of this program. Further, and as a part of the contract, Ms. Stillwell will be tutored by RSM Harris on every facet of the project so that she could conduct a like program should the need arise in the future. The program must be completed within two years. The Rural Center has advised Mr. Westmoreland that RSM Harris is a reputable firm and is highly recommended. RSM Harris' staff will conduct the program and the only additional staff that may be needed is clerical assistance for Ms. Stillwell.

Mr. Westmoreland stated that this is a fully 100% grant funded program, both administratively as well as the rehabilitation and/or replacement of houses, and will not require any funds from the county.

Commissioner Crawford moved to accept the \$1,451,000 grant, the \$188,700 administrative support grant, and RSM Harris Associates, Inc.'s contract. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(15) CAPITAL IMPROVEMENTS – CASHIERS LIBRARY & SMH: Mr. Westmoreland presented four documents for approval by the Board concerning the Cashiers Library Expansion and SMH Phase III:

(a) Capital Project Ordinance, SMH Phase III:

Construction	\$ 4,924,174.00
Architect Fees	\$ 358,320.00
Contingency	<u>\$ 264,152.00</u>
	\$ 5,547,186.00

(b) Capital Project Ordinance, Cashiers Library Expansion:

Construction	\$2,118,200.00
Land	\$1,500,000.00
Furniture	<u>\$ 342,000.00</u>
	\$3,960,200.00

(c) Resolution R05-30 Authorizing Filing of an Application with the Local Government Commission;

(d) Declaration of Official Intent to Reimburse.

He stated that BB&T was the apparent low bidder for the projects with an interest rate of 3.79%. The total amount of the loan will be \$9,507,386.00. He explained that the loans are for a calendar year, not a fiscal year. The county is limited to \$10 million per calendar year. In 2006, the county will be eligible to borrow additional funds for other capital projects.

Commissioner Crawford moved to adopt the Capital Project Ordinance for Smoky Mountain High Phase III. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

Commissioner Madden moved to adopt the Capital Project Ordinance for the Cashiers Library Expansion. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

Commissioner Cowan moved to adopt Resolution R05-30 Authorizing Filing of an Application with the Local Government Commission. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

Commissioner Cowan moved to approve the filing of the Declaration of Official Intent to Reimburse. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(16) QUALLA FIRE DEPT.: Attorney Holt stated that Qualla Fire & Rescue Dept. Inc. closed the construction loan with BB&T and secured the loan by property owned by Qualla Fire Dept. on Hwy. 441. After the closing, a representative from BB&T requested the property where the present Qualla Fire Dept. is located be added as additional security for the loan. However, that property is owned by Jackson County.

Commissioner Madden moved to provide the county owned property on which the main Qualla Fire Dept. is located as additional security for the loan conditioned upon an appraisal being made after the new fire station is completed and, based on the appraisal, a request be submitted to BB&T for the county property to be released from the lien. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

Commissioner Madden 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 Crawford 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 Crawford moved that the meeting be adjourned. Commissioner Madden seconded the Motion. Motion carried and the meeting adjourned at 8:10 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Brian Thomas McMahan, Chairman

