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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  
MARCH 20, 2006**

The Jackson County Board of Commissioners met in Regular Session on March 20, 2006, 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  
          Evelyn B. Baker, Clerk to the Board  
Absent: W. Paul Holt, Jr., County Attorney

Chairman McMahan called the meeting to order and reminded the Board that action will be taken because this is the only regular meeting in March.

**AGENDA:** Chairman McMahan added Webster Complex Change Order, County Annex at Cashiers and Old County Jail. Commissioner Crawford moved to approve the amended Agenda. Commissioner Burrell seconded the Motion. Motion carried.

**MINUTES:** Commissioner Cowan moved to approve the Minutes of the Special Meeting of February 13, 2005, Regular Meeting of February 20, 2006 and Budget Work Session of March 9, 2006. Commissioner Burrell seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:** Delos Monteith of Sylva, representing the Tuckasegee Chapter of Trout Unlimited, requested that the Board consider adopting a resolution opposing the sale of forest service lands located in Jackson County. He stated that the Macon County Board of Commissioners recently adopted a resolution in opposition of the proposed sale.

**(1) FINANCE & TAX COLLECTOR REPORTS FOR FEBRUARY 2006:**  
Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 30,458,190.90</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 26,111,434.12</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 19,496,777.20</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 608,334.88</u>
<u>Sales &amp; Use Tax for December 2005</u>	<u>\$ 654,128.55</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 1,135,581.83</u>
<u>Contingency Balance</u>	<u>\$ 76,662.57</u>

**(2) BUDGET AMENDMENTS:**

<u>Health Dept</u>	\$	87,615.41
<u>Social Services</u>	\$	43,855.00

Commissioner Crawford moved to approve the Finance & Tax Collector's reports for February 2006 and Budget Amendments. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

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

- (a) He attended the WATER 20/30 Summit recently. The conclusion reached at the summit is that \$7 billion is needed to meet water and sewer needs statewide. A request is being made for the legislature to place a \$1 billion bond referendum on the ballot this fall.
- (b) He attended the NaCO Legislative Conference. North Carolina is being urged to adopt Montana's "Not Even Once" youth campaign to fight the use of methamphetamines. NaCo offers a prescription drug card available to any citizen at no cost to the county. The only responsibility the county would have is to sign a contract, complete forms and submit applications. The drug cards would be distributed at the county's discretion to citizens who do not have drug coverage. The average savings to card holders is 19%. It was the consensus of the Board that he request paperwork from the company for Board consideration.
- (c) He and Mr. Westmoreland met earlier today with school officials and the architect concerning kindergarten classrooms at Fairview Elementary. Preliminary cost estimates were presented.
- (d) He scheduled a Budget Work Session on March 30<sup>th</sup> at 4:00 p.m.
- (e) He reminded the Board of the Region A meeting scheduled on March 27<sup>th</sup> at which time he will be giving a presentation concerning Medicaid funding.
- (f) A NCACC District Meeting is scheduled for April 12<sup>th</sup> at the Crown Plaza Hotel in Asheville.
- (g) A REACH Workshop is scheduled on April 7<sup>th</sup>.

**(4) COMMISSIONERS REPORT:** None.

**(5) COUNTY MANAGER'S REPORT:** Mr. Westmoreland reported:

- (a) Cashiers C&D Transfer Station: Construction operations were suspended at the Transfer Station because old landfill debris was unexpectedly discovered at the new site. The engineer had anticipated that the old landfill debris was a considerable distance from the new site. New geo-technical engineering studies have been ordered concerning the depth and breath of the old debris. Thus construction operations will be suspended until the county receives a report. Normal SRC operations will not be interrupted.
- (b) Criminal Background Checks: The county routinely orders criminal background checks for final applicants for regular employment with the county for permanent and part-time positions. The county has been notified by the State Bureau of Investigation that for future reports the Board must adopt an Ordinance outlining the specifics under which those criminal background checks will be conducted. He will prepare a proposed Ordinance for the April meeting.
- (c) Veterans Office: Russ Bauer, Veterans Service Officer, has been awarded the Veteran Service Officer of the year for the State of North Carolina. This award was given by the American Legion of North Carolina. In addition, his name will now be submitted as a candidate for National Service Officer of the Year. The Board expressed appreciation and commended Mr. Bauer for his accomplishments.

**(6) PLANNING DEPT. REPORT:** Linda Cable, Planning Coordinator, submitted a written report and stated there had been several companies expressing an interest in cell tower development over the past few months - six for co-locations and one for a new tower. She has received verbal confirmation awarding a one-year grant to fund 40% of the cost for two additional erosion control officers' salaries, vehicles and computer equipment.

Three erosion control permits, one Cashiers new construction permit and one cell tower permit were issued in February. Two new erosion violations were issued.

Chairman McMahan suggested that the Board schedule a joint meeting at a future date, after budget meetings are concluded, with the Planning Board to prioritize the proposed Ordinances.

**(7) CRIMINAL JUSTICE PARTNERSHIP PROGRAM:** Ann Melton, Chair, submitted a \$50,346.00 grant application. The grant funds will be used for New Beginnings Counseling Center to provide substance abuse treatment and assessment. Standard applications are submitted on an annual basis. Commissioner Crawford moved to approve the application. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(8) LIBRARY:** Michael Cartwright, County Librarian, stated that the Library Board met on February 20, 2006 and voted to present the following recommendations:

- (a) Based on the Committee Design Committee data, the new library building should be 25,000 – 30,000 sq. ft.;
- (b) A “significant percentage” of the furniture, fixtures and equipment costs be raised by a community fund-raising effort;
- (c) Hire a library design consultant, either Dubberly Garcia Assoc., Inc. or MSB Consultants, to gather community information on how the library will be used and to work with the architect to design the layout of the building;
- (d) That Sims & Steele Consulting of Asheville be hired to conduct a fund-raising feasibility study; and
- (e) Begin the requests for qualifications process to hire a library architect.

Chairman McMahan stated the Board has been discussing several capital projects, including the Library, for the next budget year and will take the recommendations under consideration.

**(9) SCATTERED SITE HOUSING PROGRAM APPLICATION 2006:** Joan Stillwell, Community Development Director, submitted a Scattered Site Housing Program Application for 2006. The grant amount is \$400,000.00. Commissioner Cowan moved to approve the application. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

**(10) WATERSHED ASSOC. OF THE TUCKASEIGEE RIVER:** Roger Clapp, Executive Director, stated that “WATR” is a non-profit organized in 2001. Its main challenges are erosion, sedimentation, turbidity, fecal coliform, and bacteria. Projects for 2006 include:

- (a) Greens Creek and Savannah Watershed planning project started two years ago – funded with a \$40,000 grant from Clean Water Management Trust Fund;
- (b) Scotts Creek Public Education Project - \$39,000 from Div. of Water Quality EPA 319 funding;
- (c) VWIN monitoring once per month at 15 sites (\$8,500);
- (d) Clear Water Contractor courses for excavators (\$12,000);
- (e) Coliform Action Group needs funding;
- (f) Other funding sources include Cherokee Preservation Foundation - \$15,000; Cherokee Office of Environment & Natural Resources \$3,000; TVA - \$5,000; Southwestern Commission RC&D - \$4,000; Dues & donations - \$5,000; Southwestern Commission - \$5,500; Jackson County - \$8,000.

Fecal coliform continues to be a problem, especially in Savannah Creek (farm animal waste) and Scotts Creek (failed sewer systems and possibly farm animal waste). WATR plans to place a public turbidity meter in Scotts Creek which will show citizens what the turbidity is compared to the trout standard and hopefully get everyone excited and/or accountable so they can help improve the stream. Criteria for solutions: Monitoring and sampling – identify trends and find sources. Action – protect health and improve municipal sewers and septic systems together with education, reporting, communication, cooperation among counties, the Tribe and agencies.

**(11) WEBSTER COMPLEX CHANGE ORDER:** Mr. Westmoreland stated that he had been advised by the engineer that the grading contractor uncovered additional alluvial soil which was not detected in the preliminary geo-technical engineering phase. Standard spot core drillings were made throughout the entire 39-acre site with the majority being within 20 ft. of the stream. The new discovery is located approximately 60 ft. from the stream. In order to correct the problem and make the property suitable for building, there is the need for a change order to stabilize the sub-grade prior to fill operations at an additional cost of \$140,000. He stated this request is critical because without the change order all work ceases and the county is under a very strict time frame regarding the Haven at Mountain Oaks elderly housing project and would impact all future development in the complex. Commissioner Crawford moved to approve the change order. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

**(12) CASHIERS ANNEX OFFICES:** Commissioner Madden stated he was concerned about the lack of progress in opening an environmental health office at the Annex. Mr. Westmoreland had advised him that it was due in a large part to computer software complications. Mr. Westmoreland stated that when the issue was first discussed it concerned a method by which permits could be taken for environmental health matters and integrated or checked against building permits. There is no such software in place at present for this purpose and there is a strong need to insure that the building applications and the environmental health applications are identical. Mr. Wittekind, Director of Building Inspections, has secured the software and it is available, but has not been fully integrated and installed. A building inspections office has been operational for some time.

Commissioner Madden stated this issue has been discussed for almost a year and the Annex offices were for the convenience of the citizens to make applications for building and septic permits without having to travel Sylva. He stated that the same concept that is working for building inspections should work for environmental health, even in an abbreviated state.

Commissioner Cowan stated the Health Dept. Director's point of view is that she does not have sufficient personnel to staff the Annex. Mr. Westmoreland stated that the Board approved two additional environmental health officer positions last year. Arrangements were made for the building inspections clerk to also accept environmental health permit applications. That clerk is fully prepared to begin the process which would remove the need for additional personnel from the health department and frees up the field officers from desk work.

Commissioner Madden stated that the facility was purchased specifically for the purposes of housing an environmental health office, building inspections office, a planning office, as well as a temporary office for recreation personnel and potentially a Sheriff's Office. A full range of services were to be provided in that facility. A building inspections clerk was transferred to the Cashiers Annex to serve a dual purpose, i.e., receiving applications for building and septic permits. The environmental health inspectors are in the Cashiers on an almost daily basis, thus there is no need for more employees to provide the application service. Commissioner Cowan stated he has been informed that there is a good deal of processing for septic permits which cannot be done by the building inspections clerk.

Mr. Westmoreland stated that a Well Baby Clinic is held monthly in the Annex as well as routine inoculations; however, it is only the environmental health office that is not in operation.

The Health Dept. Director will be requested to appear at the April 3<sup>rd</sup> meeting and explain why an environmental health office has not opened in the Cashiers Annex.

**(13) OLD JAIL:** Commissioner Cowan reported that he had been contacted by the Chairman of the Jackson County Cemetery Committee requesting use of an office in the old jail if and when the county decides to make use of the building.

**(14) AMENDMENT TO CASHIERS COMMERCIAL AREA LAND DEVELOPMENT ORDINANCE:** Linda Cable, Planning Coordinator, presented amendments to the Cashiers Commercial Area Land Development Ordinance as recommended by the Cashiers Planning Council, Cashiers Design & Review Board and the Jackson County Planning Board. She stated the amendments include new definitions, changes in requirements for temporary use permits for special events, better definition and direction for temporary signage needs, and lighting. A Public Hearing was scheduled for April 17 at 5:45 p.m.

**(15) APPOINTMENTS TO BOARD OF EQUALIZATION AND REVIEW:** By memorandum, Bobby McMahan, Tax Assessor, recommended that Richard O. Wilson, Gail Cooper, Richard Robson, and Rogers Shelton be reappointed. He recommended that George Stanley also be appointed. Commissioner Burrell moved to appoint Richard O. Wilson, Gail Cooper, Richard Robson, Rogers Shelton and George Stanley for one year terms. Commissioner Madden seconded the Motion. The Board expressed its appreciation for retiring board member Arlie Moss. Motion carried by unanimous vote.

**(16) APPOINTMENTS TO SEDIMENT APPEALS BOARD:** By memorandum, Linda Cable, Planning Coordinator, reported that Boyce McCall and Mickey Henson have agreed to continue to serve if reappointed. Commissioner Crawford moved to reappoint Boyce McCall and Mickey Henson to 4-year terms. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

**(17) APPOINTMENT TO COUNCIL ON AGING:** By letter, Helen Bryson, Director, recommended that Ronald Pressley be appointed. Commissioner Burrell moved to appoint Ronald Pressley to a 3-year term. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(18) APPOINTMENT TO CASHIERS RECREATION BOARD:** By memorandum, Kevin Stiens, Cashiers Recreation Center Director, recommended that Brenna Holland be appointed to fill the unexpired term of Lesley Madden. Commissioner Madden moved to appoint Brenna Holland to fill the unexpired term of Lesley Madden. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

**(19) APPOINTMENT OF LEAD AGENCY FOR HCCBG FUNDING:** By letter, Mary P. Barker, Administrator, Area Agency on Aging, recommended that the Jackson County Department on Aging be appointed as lead agency for the completion of the block grant planning process and preparation of the required block grant documents. Commissioner Burrell moved to appoint the Jackson County Dept on Aging as the lead agency. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

Commissioner Crawford moved that the Board go into Closed Session pursuant to G. S. 143-318.11(a)(5) Real Property 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 Cowan seconded the Motion. Motion carried and the meeting adjourned at 8:45 p.m.

Attested By:

Approved:

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Evelyn B. Baker  
Clerk to the Board

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Brian Thomas McMahan, Chairman

