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Posted By: Evelyn Baker
Witness: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JUNE 5, 2006**

The Jackson County Board of Commissioners met in Regular Session on June 5, 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
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 deleting Kudzu Players Lease and adding 2006 Clean Water Bond Resolution. Commissioner Crawford moved to approve the amended Agenda. Commissioner Madden seconded the Motion. Motion carried.

MINUTES: Commissioner Burrell moved to approve the Minutes of the Public Hearing of May 15, 2006 and Regular Meeting of May 15, 2006. Commissioner Crawford seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: Gayle Woody, Fairview School Art Teacher, stated that the fourth grade students prepared a booklet entitled "What's In A Name?" of the townships and communities in the county. The students researched the origin of the different names and drew illustrations. Sarah Henson, student, presented the Board with a copy of the booklet.

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

General Fund Revenues Collected to Date	\$ 37,833,234.27
General Fund Expenditures to Date	\$ 35,188,916.48
Ad Valorem Tax Collected	\$ 20,058,752.39
Motor Vehicle Tax Collected	\$ 830,620.69
Sales & Use Tax for March 2006	\$ 727,712.32
Landfill Disposal Fees Collected	\$ 1,175,696.51
Contingency Balance	\$ 707,288.57

(2) BUDGET AMENDMENTS:

<u>General Fund</u>	\$	847,730.00
<u>Health Dept (dental program)</u>	\$	2,110.00
<u>Health Dept (new programs)</u>	\$	31,497.84
<u>Health Dept (child health mini-grant)</u>	\$	4,587.21
<u>Emergency Telephone Fund</u>	\$	78,928.00
<u>TTA Fund</u>	\$	13,634.00
<u>Economic Dev. Fund</u>	\$	12,675.00
<u>Capital Projects Fund</u>	\$	- 7,568,775.00
<u>Solid Waste Fund</u>	\$	48,600.00

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

- (a) He attended the County Assembly Day at the State Legislature on May 17th. Legislation has been introduced and endorsed by the House and Senate to provide \$65,000,000 for Medicaid relief.
- (b) He attended a presentation on concerning four proposed one billion dollar bonds: NC Gold Bond provides for highway construction; School Construction Bond and use lottery proceeds to pay the debt service; Land for Tomorrow to help purchase and provide conservation easements; 2006 Clean Water Bond. The NCACC will be endorsing the Clean Water and Land for Tomorrow Bonds.
- (c) The Federal Energy Regulatory Commission Public Hearing concerning Duke Power relicensing is scheduled in Courtroom Two on June 8th, 6:00 pm.
- (d) Southwestern Commission Region A offices have moved across from SCC.

(4) COMMISSIONERS REPORT: None.

(5) COUNTY MANAGER'S REPORT: None.

(6) PLANNING DEPT. REPORT: Linda Cable, Planning Coordinator, submitted a written report which states that during the month of May five erosion control permits and six cell tower permits are under review. The next Transportation Study Task Force meeting is June 13th. Cingular is talking about constructing "stealth" concealment cell towers which are similar to pine trees.

(7) 2006 CLEAN WATER BOND RESOLUTION (R06-12): Chairman McMahan stated that the Resolution supports a proposed one billion Clean Water Bond. North Carolina's public water, sewer and stormwater utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion investments within the next five years. Jackson County benefited from the 1998 Clean Water Bond and should also benefit from the 2006 Bond. Chairman McMahan suspended the rules and Commissioner Burrell moved to adopt the Resolution. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(8) SOLID WASTE MANAGEMENT PLAN 3-YEAR UPDATE: A Public Hearing was held at 5:45 p.m. on June 5th concerning the proposed solid waste plan 3-year update as mandated by the state. No objections were made.

(9) JACKSON COUNTY RECREATION PARK EXPANSION BIDS: Mr. Westmoreland presented an architectural drawing of the expansion. The expansion more than double the fitness area, a free weight area will be added, more storage area, multi-purpose room for meetings and other types of activities, aerobics and yoga rooms,

separate room for spinning classes, and railings for dance programs. Because of the expansion the restroom facility must be enlarged. The expansion also provides for future development such as an in-door swimming pool and locker room. The exterior of the expansion will remain the same as the original building. The monthly paid membership is in excess of 1,000.

The three bids were within the budgeted amount. Padgett & Freeman Architects recommended that the bid be awarded to the low bidder, Western Builders of Sylva in the amount of \$1,032,200. Chairman McMahan suspended the rules and Commissioner Crawford moved to award the bid to Western Builders of Sylva in the amount of \$1,032,200. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(10) FIRING RANGE PROPERTY – UTILITY EASEMENT: Mr. Westmoreland stated that Ernest Guerera owns approximately 76 acres of undeveloped property just northwest of the County Shooting Range near the TWSA Treatment Plant off River Road. Mr. Guerera wishes to build houses on his property but has had difficulty getting electric service to the site. He has requested that the county consider granting Duke Power a 20' power easement from an existing pole around the perimeter of the shooting range property and has expressed a willingness to pay the costs of placing the lines underground. Mr. Westmoreland stated he had done an onsite evaluation and an underground easement along the property perimeter would not impact the county property or interfere in any manner with the shooting range activities. It was the general consensus that Mr. Guerera submit a written document for the Board's consideration.

(11) HISTORIC COURTHOUSE & OLD JAIL: Mr. Westmoreland stated that the main component of the renovation is to provide for an elevator from first to second floor. The second component is to replace the two entrance doors from metal fabrication to wooden doors will be a replica of the exact historical doors. The third component is the demolition of the old 1960's jail facility. The renovations will meet ADA standards; however, the restroom facilities may need some modifications. The third floor will not be available for use by the public. The next major issue is the installation of fire sprinklers in the entire building. An appropriation for renovating the old courtroom was not budgeted this fiscal year.

He stated that the low bidder meeting all specifications for the project is Western Builders of Sylva with a total base bid of \$294,400. \$250,000 was budgeted. Chairman McMahan suspended the rules and Commissioner Cowan moved to award the bid to Western Builders of Sylva in the amount of \$294,400. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

Mr. Westmoreland stated that due to the cost of asbestos and lead paint removal from the old jail, plus architect and engineering design fees, the total cost exceeds the budget by \$73,400. He recommended that the funds be appropriated from the contingency fund or undesignated fund balance. Commissioner Madden moved to appropriate \$73,400 from the contingency fund (\$50,000 prior budget amendment). Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(12) **WADE HAMPTON GOLF CLUB**: Wade Hampton Golf Club previously requested and was granted permission for a fireworks display on July 4th; however, it inadvertently left the July 11th date off its original request. In order to comply with the pyrotechnic company requirements, Mr. Westmoreland was requested to send a letter authorizing the second date. Chairman McMahan suspended the rules and Commissioner Crawford moved to ratify Mr. Westmoreland's May 18, 2006 letter. Commissioner Madden seconded the motion. Motion carried by unanimous vote.

(13) **AUDIT CONTRACT**: Dixon Hughes PLLC submitted a contract for the audit period beginning July 1, 2005 and ending June 30, 2006 at a cost of \$51,700 plus \$5,300 for the preparation of financial statements. Chairman McMahan suspended the rules and Commissioner Crawford moved to approve the contract. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(14) **AMBULANCE CONTRACT – WESTCARE INC.**: Carry over.

(15) **AMBULANCE CONTRACT – GLENVILLE/CASHIERS RESCUE SQUAD, INC.**: Carry over.

(16) **COUNTY MANAGEMENT – RECORDS RETENTION & DISPOSITION SCHEDULE**: The N. C. Department of Cultural Resources sets the disposition schedule pursuant to Chapter 121 and 132 of the General Statutes of North Carolina. Chairman McMahan suspended the rules and Commissioner Burrell moved to approve the schedule. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(17) **SHERIFF'S OFFICE - RECORDS RETENTION & DISPOSITION SCHEDULE**: The N. C. Department of Cultural Resources sets the disposition schedule pursuant to Chapter 121 and 132 of the General Statutes of North Carolina. Chairman McMahan suspended the rules and Commissioner Burrell moved to approve the schedule. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(18) **DRIVING POLICY – COUNTY VEHICLES**: Carry over.

(19) **SURPLUS EQUIPMENT DISPOSITION**: Darlene Fox, Finance Director, requested that the following vehicles be declared surplus and authorized for sale:

- 2000 Ford Crown Victoria (Sheriff's Dept.)
- 1993 Dodge Dakota (Solid Waste Dept)
- 1990 Ford F150 (Maint. Dept.)
- 1991 Chevrolet C1500 (Rec Dept.)
- 1995 Jeep Cherokee (DSS)
- 1991 Dodge Van (Maint. Dept.)

Chairman McMahan suspended the rules and Commissioner Madden moved to declare the vehicles surplus and authorize a sale. Commissioner Crawford seconded the Motion. Mr. Westmoreland stated the vehicles will be sold via e-bay. Motion carried by unanimous vote.

(20) PUBLIC SCHOOL BUILDING CAPITAL FUND APPLICATIONS:

- (a) The replacement of two roof top heat pumps at the School of Alternatives (The HUB);
- (b) Add air conditioning to computer lab and connecting classroom at Cullowhee Valley Elementary School.
- (c) Replace gym floor at Fairview School.

Chairman McMahan suspended the rules and Commissioner Madden moved to approve the school building capital fund applications. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(21) DSS PROJECT ORDINANCE AMENDMENT: Mr. Westmoreland stated that the amendment is the close-out for the DSS project in the amount of \$48,900.59 to the DSS capital projects fund. The state will reimburse the county approximately 65% of that amount. Chairman McMahan suspended the rules and Commissioner Crawford moved to approve the amendment. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(22) FY2006-2007 BUDGET ORDINANCE: Carry over.

(23) PLANNING BOARD CHAIR APPOINTMENT: Carry over.

(24) PLANNING BOARD VICE CHAIR APPOINTMENT: Carry over.

(25) GREEN ENERGY PARK STEERING COMMITTEE APPOINTMENTS:
Carry over.

(26) LIBRARY BOARD APPOINTMENT: Carry over.

(27) NURSING & REST HOME ADVISORY COMMITTEE APPOINTMENT:
Carry over.

(28) MEDICAL INSURANCE:

(a) **Group Health Insurance:** For the first time in three years, health insurance costs have increased. The new rate increase is 8% for medical and dental coverage.

(b) **Prescription Drug Co-Pay:** Effective FY06-07 co-payment for prescription drugs are:

- Generic Drugs – remain at \$10.00
- Brand Name Drugs if no generic available – increase from \$20.00 to- \$35.00
- Brand Name drugs if generic available – increase from \$30.00 to \$50.00
- Prilosec OTC available at generic co-payment.

(29) SMOKING POLICY: Mr. Westmoreland presented a proposed Smoking Policy. The policy proposes that health insurance policy change for new hires who are users of tobacco products would affect employees hired after July 1, 2006. New employees who are users of tobacco products would be provided insurance coverage comparable to the out-of-network schedule of benefits under the county's medical benefits and prescription drug benefits plan. Employees who terminate the use of tobacco products for one year would be reassigned to the in-network schedule of benefits at the beginning of the new contract year and the county manager would be given such

administrative authorization as would be necessary to implement this policy and insure its compliance. The policy would be explained during new employee orientation and the new employee would be required to sign documentation. The policy is an overall step to encourage a healthier lifestyle and cut down on potential costs to county. This policy has been implemented in other counties.

It was the general consensus of the Board that the policy should be adopted.

(30) **PROPERTY AND AUTO INSURANCE:** Darlene Fox reported that another option will be available to employees during open enrollment - property and auto insurance. This would be a payroll deduction. The carrier is Liberty Mutual which is the only company that offers this service to employers who have less than 500 employees. The employees should realize a substantial savings on their property and auto insurance.

(31) **BUDGET APPEALS:**

(a) **Sheriff's Dept.** requested that its allocations be increased by \$82,348 for two patrol deputies, uniforms, certification supplies and controlled substance program.

After discussion, it was a majority consensus that \$82,348 be budgeted to the Sheriff's Dept.

(b) The **Jail** requested that allocations be increased by \$33,979 for one additional detention officer.

After discussion, it was a majority consensus that \$33,979 be budgeted to the jail.

(c) **Community Table** requested an allocation of \$40,000.

After discussion, it was a majority consensus that \$5,000 be budgeted to the Community Table.

(d) **REACH, Inc.** requested that its allocation be increased from \$15,000 to \$35,000.

After discussion, it was a majority consensus that \$35,000 be budgeted to REACH, Inc.

(e) **School Board** requested that allocations be increased for the following:
Increase teacher salary allocation by \$81,000 if state approves an 8% raise;
Do "essential" renovations to "D" Bldg. (estimate is \$350,000);
Increase maintenance allocation by \$400,000.

After discussion, it was a majority consensus that the school board's budget remain as originally proposed.

Fairview Kindergarten Classrooms: The School Board has informed the county that six new Fairview Kindergarten classrooms are a higher priority than improvements to SMH “D” Building. Mr. Westmoreland stated that the county’s capital planning document allocated \$1.5 million for the kindergarten classrooms; however, the cost will be \$2.3 million.

SMH “D” Building: The estimate from Cort Architectural Group, P.A. for improvements is \$1,033,835.

(32) SOLID WASTE SRC OPERATIONS/COLLECTIONS CONTRACT:

Mr. Westmoreland stated that the GDS contract expires on December 31 and there are other vendors interested in offering the same service to the county. Mr. Westmoreland was instructed to prepare a bid package for this service.

(33) FIRE DEPTS: Chairman McMahan recommended that line items “Qualla Substation” and “Balsam Substation” be changed to read “*Qualla Substation Bldg. Payment*” and “*Balsam Substation Bldg. Payment*”.

(34) FIRE MARSHAL: Chairman McMahan recommended that \$10,000 be budgeted as a line item in the Fire Marshal’s budget for a Jackson County Honor Guard. The fire departments and rescue squads are forming an Honor Guard for funeral services and other events. The funds would be used to purchase uniforms and equipment.

After discussion, it was the consensus to add a \$10,000 Honor Guard line item to the Fire Marshal’s budget.

(35) COMMUNITY DEVELOPMENT: Chairman McMahan recommended that the \$9,307 balance be transferred to the FY06-07 budget and used for renovations to the Willets CDC Bldg. including making the bathrooms handicapped accessible. Several county-owned CDC buildings also need renovations.

It was the consensus to allocate \$9,307 (or actual remaining balance) for improvements to the Willets CDC Bldg.

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 Madden seconded the Motion. Motion carried.

Chairman McMahan called the Open Session back to order.

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 9:25 p.m.

Attested By:

Approved:

Evelyn B. Baker
Clerk to the Board

Brian Thomas McMahan, Chairman