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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 17, 2006**

The Jackson County Board of Commissioners met in Regular Session on July 17, 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 and reminded the Board that action will be taken during the meeting since it is the only meeting in July.

**AGENDA:** Chairman McMahan amended the Agenda by adding Appointments to the Airport Authority Board. Commissioner Madden moved to approve the amended Agenda. Commissioner Crawford seconded the Motion. Motion carried.

**MINUTES:** Commissioner Crawford moved to approve the Minutes of the Regular Meeting of June 19, 2006. Commissioner Burrell seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:** Dale Galloway, SMH teacher and football coach, thanked the Board for appropriating funds for a sprinkler system at the SMH practice field. He stated the system has been installed and was fully operational as of last week.

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

<u>General Fund Revenues Collected to Date</u>	<u>\$ 39,897,650.00</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 39,466,074.26</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 20,182,450.95</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 909,805.95</u>
<u>Sales &amp; Use Tax for April 2006</u>	<u>\$ 733,122.45</u>
<u>Payment in Lieu of taxes (federal lands)</u>	<u>\$ 116,483.00</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 1,183,182.24</u>
<u>Contingency Balance</u>	<u>\$ 203,498.84</u>

**(2) BUDGET AMENDMENTS:**

<u>General Fund</u>	<u>\$</u>	<u>269,169.00</u>
<u>Jackson County Library</u>	<u>\$</u>	<u>21,000.00</u>
<u>Capital Projects Fund</u>	<u>\$</u>	<u>97,309.61</u>
<u>Housing Fund</u>	<u>\$</u>	<u>26,908.62</u>

Commissioner Burrell moved to approve the Finance and Tax Collector's reports for the month of June and budget amendments. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

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

- (a) On June 20<sup>th</sup> TWSA awarded a bid in the amount of \$1,288,700 for expansion of the Cashiers Wastewater Treatment Plant. The expansion will increase the capacity from 100,000 to 200,000 gallons per day.
- (b) On June 26<sup>th</sup> he and Chuck Norris, Transit Director, attended a DOT Regional Transit Meeting. Currently Jackson County is under a feasibility study to determine whether a regional transit system is needed.
- (c) On July 6<sup>th</sup> he and Commissioner Crawford met with Congressman Charles Taylor and Senator Richard Burr concerning the proposed FERC agreement with Duke Energy.
- (d) On July 19<sup>th</sup> at 6:00 pm, the WNC Association of Fire Fighters will hold its quarterly meeting at the Cashiers-Glenville Fire Station.
- (e) On July 21<sup>st</sup> at 11:00-2:00, there will be an ADA celebration hosted by Pathways for the Future at the Golden Age Center.
- (f) On August 12<sup>th</sup>, 4:00 – 8:00 pm, the Balsam Fire Dept. will be holding its annual dinner.
- (g) He and Mr. Westmoreland will be attending the NACO Annual Convention in Chicago on August 4 – 8. Further, the Southwestern Region A Annual Meeting is scheduled on August 21. Thus, he recommended that only one board meeting be scheduled in August. After discussion, it was agreed that the meeting be scheduled on Thursday, August 17<sup>th</sup>.
- (h) He reminded the Board the NCACC Annual Conference will be held the first week of September in Forsyth County and the first Monday falls on Labor Day. He suggested that the Board be considering an alternate meeting date for the first meeting in September.

**(4) COMMISSIONERS REPORT:** Commissioner Burrell reported that the NC Dept. of Transportation approved the county's request to name the bridge in the Willet's Community the "Jake Parris, Jr. Memorial Bridge". The DOT Board also waived the 30-day waiting period due to Mrs. Parris' health. A ceremony will be scheduled shortly.

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

- (a) He signed a change order regarding the Cashiers SRC for some minor modifications to the original plan in order to get construction underway. The change order basically provides for surface pads for location of the compactors.
- (b) The solid waste bid has been advertised and eight firms have expressed an interest. The deadline for submitting a bid is July 31<sup>st</sup>.
- (c) The elderly housing units are "in the dry" at the Webster Complex and should be ready for occupancy by the end of the year.
- (d) The SMH project is moving along well, particularly the faculty parking lot between Buildings "C" and "D" and the athletic field.
- (e) The Cashiers Rec Center plans will be presented to the Cashiers Design Review Board and the Community Council during the latter part of this month. A bid package should be available by the end of August or first of September.

**(6) PLANNING DEPT. REPORT:** Linda Cable, Planning Coordinator, submitted a written report which states that during the month of June two erosion control permits were issued and four are under review. Six cell tower applications are under review. The report also includes a Building Inspections Permit report for the period of April – June 2006. The Transportation Study Task Force held its second quarterly meeting on June 13<sup>th</sup>. A public hearing must be scheduled prior to the Commissioners'

meeting on August 17<sup>th</sup> concerning construction of a cell tower in the Whittier/Cherokee area.

(7) **DRIVING POLICY**: Commissioner Burrell moved to adopt the revised Driving Policy. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(8) **LOVE CEMETERY**: Mr. Holt stated that his research reveals that the property where Love Cemetery is located is still owned by the Love Family Heirs. He searched the title back to the state grant. He will prepare a written report for the Board's review and requested action on this issue be carried over to the August meeting.

(9) **CHAF QUARTERLY (April-June 2006) REPORT**: Joan Stillwell, Community Development Director, reported that in September 2005 thirty homes sustained damaged by Hurricanes Frances and Ivan. Fifteen homes needed to be replaced and fifteen needed repairs. Through the eligibility process only four homes qualified for assistance - three replacements and one repair. Eligibility of a fifth home is under review by the redevelopment office. A third bid opening for repair to a home in Cashiers was held on June 22, 2006. The bid was from Holland Construction Co. of Chinquapin, NC, in the amount of \$37,185 which is higher than the maximum of \$35,000 for repairs. She is awaiting special approval from the redevelopment office before the bid can be accepted.

She also reported that she had received official notice that Jackson County has been awarded a \$400,000 Scattered Site Housing Program Grant.

(10) **SOCIAL SERVICES DEPT**: Bob Cochran, Director, reported that the county is required to develop a local plan every two years for the Work First Program. He recommended that the county remain a "standard county". Commissioner Crawford moved that the county remain a "standard county". Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

Mr. Cochran also recommended that Juanita Burrell, Ann Howell, Chuck Norris, Sue Evans, Kristy Case, Marsha Griffin, Cindy Ramsey, Cathy Cross, Barbara Jefferies, Lib Jecha, Rebecca Green, Mary Ginn, Jennifer Abshire, and Robert Cochran be appointed to the Work First Planning Committee. Commissioner Crawford moved to approve the recommendations. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(11) **NCACC ANNUAL CONFERENCE VOTING DELEGATE**: Commissioner Burrell moved to designate Chairman McMahan as Jackson County's voting delegate to the 99<sup>th</sup> Annual Conference to be held on September 7-11, 2006. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(12) **BIG SHEEP CLIFF COMMUNICATIONS SITE LEASE**: Mr. Holt presented a copy of the lease and stated that the property owner has signed the lease and the original is being mailed to him. However, since the Board has not had sufficient time to review the lease, he recommended that it be approved subject to objection and if any

Board member has an objection, Mr. Holt should be notified immediately. Commissioner Burrell moved to approve the lease subject to objection. Commissioner Madden seconded the Motion. Mr. Westmoreland stated the county had received the appropriate licenses. Motion carried by unanimous vote.

(13) **SYLVA LIBRARY**: Mr. Westmoreland reported that members of the Library Board, Friends of the Library, Fontana Library staff and the newly hired fund raising consultant requested that the county move forward with the selection of an architect for the library project. The request was based upon the fact that it is easier to raise funds and commitments for funds if a design or architectural rendering is available.

McMillan, Smith & Partners Architects have agreed to provide architectural services to develop a schematic design for a new library. The fee for this service is \$28,800. He recommended that the fee proposal for the preliminary services be approved. Commissioner Cowan moved to approve the recommendation. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(14) **WHITTIER SANITARY SEWER DISTRICT PROJECT**: Chairman McMahan reported that he and Mr. Westmoreland met with representatives from the Rural Center, Eastern Band of Cherokee Indians and Whittier Sanitary District Board on June 22nd to discuss the entire project. The deadline is August 1<sup>st</sup> and if long term operating commitments and funds cannot be raised, then the project will not move forward.

Mr. Westmoreland reported that he attended a meeting earlier today in anticipation there would be a resolution of some of the financial issues. There are three interested parties: (a) the Eastern Band of Cherokee Indians since it has a number of development concerns on the 441 corridor from Gateway to the Qualla Boundary. The Tribal Council's official decision will not be made until August 7<sup>th</sup>. (b) The Church of God is interested in developing its campus, but cannot move forward without adequate sewer facilities. The Church is considering adding a large number of dormitories for its summer programs and relocating its North Carolina corporate offices from Charlotte to Whittier. (c) Whittier Sanitary District.

The three parties are being requested to contribute \$250,000-\$260,000 each to pay for construction. There is still the issue of funding for the operation and management of the facility when constructed. Nothing has been done to satisfy the question of how to raise the anticipated \$100,000 operation expense for the first 3-4 years until everyone is connected and it becomes self-supporting by means of tap on and user fees. The Rural Center will not allow the project to proceed without financial plans for both construction and operating costs for the next ten years. Mr. Westmoreland will update the Board at the August 17<sup>th</sup> meeting.

Chairman McMahan stated that the county will only contribute a maximum of \$250,000, subject to Board approval, which would be the cost of constructing a sewer line to the Smokey Mountain Elementary School. Should the county approve the appropriation of \$250,000, based on the schedule for the bidding process and construction, the money would not be required until late 2007 or early 2008. The county will not make a commitment for operational expenses. It was the consensus of the Board that negotiations continue based upon a maximum appropriation of \$250,000.

(15) **SMOKY MOUNTAIN BIOFUELS, INC. – REVOLVING LOAN:** Carry over.

(16) **QC APPAREL REVOLVING LOAN:** Carry over.

(17) **PLANNING BOARD CHAIR APPOINTMENT:** Commissioner Cowan moved to appoint Richard Wilson to a one year term as Chair of the Planning Board. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(18) **PLANNING BOARD VICE CHAIR APPOINTMENT:** Commissioner Crawford moved to reappoint Mike Moore to a one year term as Vice Chair of the Planning Board. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(19) **GREEN ENERGY PARK STEERING COMMITTEE APPOINTMENTS:** Mr. Westmoreland recommended that Susan Leveille, Jeff Seiler, Vickie Wade, Ray Menze, and one Commissioner be appointed. Commissioner Cowan volunteered to serve. Commissioner Burrell moved to approve the recommendations. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(20) **LIBRARY BOARD APPOINTMENT:** Commissioner Crawford moved to appoint Tina Jones to fill the unexpired term of Lola Thomasson. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(21) **NURSING & ADULT CARE HOME ADVISORY COMMITTEE APPOINTMENT:** By letter, Sarajane Melton, Regional Ombudsman, Southwestern Commission, recommended that Mary Culp be appointed to the Nursing & Adult Care Home Community Advisory Committee. Commissioner Crawford moved to appoint Mary Culp to a three-year term on the Nursing & Adult Care Home Advisory Committee. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(22) **TRANSPORTATION STUDY TASK FORCE APPOINTMENT:** Carry over.

(23) **SOUTHWESTERN COMMUNITY COLLEGE BOARD APPOINTMENT:** Commissioner Crawford moved to appoint Chairman McMahan to the SCC Board of Trustees. Commissioner Madden seconded the Motion. Motion carried with Chairman McMahan abstaining.

(24) **REGION A AGING ADVISORY COUNCIL APPOINTMENTS:** Mary P. Barker, Administrator, recommended by letter that Jane Brown be re-appointed to a three-year term and Ed Norton be re-appointed as an alternate. Commissioner Cowan moved to appoint Jane Brown and Ed Norton, alternate, to three-year terms on the Region A Aging Advisory Council. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

**(25) WATERSHED REVIEW BOARD APPOINTMENTS:** Rick Bennett, Linda Rogers, Ray Trine, and Neal Dawson have agreed to continue to serve if re-appointed. Commissioner Burrell moved to re-appoint Rick Bennett, Linda Rogers, Ray Trine, and Neal Dawson for the term of January 1, 2006 – December 31, 2009 on the Watershed Review Board. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

**(26) HEALTH BOARD APPOINTMENTS:** Paul Carden, Health Dept. Director, recommended by memorandum that Jerry DeWeese, Tom Turrentine, Ginger Fullbright, Nell Sanford, and Linda Servoss, have expressed their desire to be re-appointed. The term of office will be from July 1, 2006 to June 30, 2009. Commissioner Crawford moved to re-appoint Jerry DeWeese, Tom Turrentine, Ginger Fullbright, Nell Sanford and Linda Servoss to the Board of Health. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

**(27) JACKSON COUNTY CEMETERY BOARD:** Carry over.

**(28) AIRPORT AUTHORITY BOARD APPOINTMENTS:** The Board received a letter dated June 22, 2006 from the Airport Authority stating that two vacancies exist on the Airport Authority Board and submitted the names of Greg Hall, Alston Macon, and Dennis Wilkey. Commissioner Burrell moved to appoint Greg Hall to fill the unexpired term of Chip Hall and Dennis Wilkey to fill the unexpired term of Eddie Madden. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

At Mr. Holt's request, Commissioner Cowan moved to amend the Agenda by adding Exchange Quitclaim Deeds with Wayne Monday and wife, Lynn Monday. Commissioner Burrell seconded the Motion. Motion carried.

**(29) EXCHANGE QUITCLAIM DEEDS WITH WAYNE MONDAY:**

- (a) Quitclaim Deed from Jackson County to Wayne & Lynn Monday, Cashiers Township, Parcel No. 1 as shown on the plat dated August 30, 2005 recorded in Plat Cabinet 14, Slide 310, plus gravel road which runs parallel to the southeastern boundary line of the properties the county acquired from Nichols.
- (b) Quitclaim Deed from Wayne & Lynn Monday to Jackson County, Cashiers Township, Parcel No. 2 as shown on the plat dated August 30, 2005 recorded in Plat Cabinet 14, Slide 310.

Commissioner Madden moved to approve the exchange of quitclaim deeds with Wayne Monday and wife, Lynn Monday. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Crawford moved that the meeting be adjourned. Chairman McMahan seconded the Motion. Motion carried and the meeting adjourned at 8:05 p.m.

Attested By:

Approved:

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Evelyn B. Baker

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Brian Thomas McMahan, Chairman

Clerk to the Board