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Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JANUARY 18, 2011**

The Jackson County Board of Commissioners met in a Regular Session on January 18, 2011 at 6:00 pm, Justice & Administration Building, 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Jack Debnam, Chairman
Doug Cody, Vice Chair
Charles Elders, Commissioner
Mark Jones, Commissioner
Joe Cowan, Commissioner

Chuck Wooten, Interim County Manager
Evelyn B. Baker, Clerk to Board
J. K. Coward, County Attorney

Chairman Debnam called the meeting to order.

AGENDA: Chairman Debnam amended the Agenda by adding Proclamation Honoring the WCU “Pride of the Mountains” Marching Band. Commissioner Elders moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Regular Meeting of January 3, 2011. Commissioner Elders seconded the Motion. Motion carried.

PROCLAMATION – “PRIDE OF THE MOUNTAINS” MARCHING BAND: Chairman Debnam read and presented a Proclamation Honoring the WCU “Pride of the Mountains” Marching Band to Band Director Bob Buckner.

(1) CHAIRMAN’S REPORT: Chairman Debnam scheduled a Work Session on January 28 at 1:00 p.m. He directed the Clerk to draft a sign up form which can be used as a future data base for citizens interested in volunteering to serve on various boards and committees.

(2) COUNTY MANAGER REPORT:

(a) Jeff Carpenter, Recreation & Parks Dept. Director, addressed a misconception that the Sycamore trees at Mark Watson Park will be removed. He stated the sidewalk as depicted in the conceptual drawings meanders through the park, not along the road and will not come close to the Sycamore trees; however, the trees do need trimming because they are interfering with the tennis courts and lights.

(b) The Work Session scheduled on January 28th is for informal discussions about various topics, i.e., Green Energy Park, revolving loan fund, tax collection procedures, etc.

(c) The county assumed ownership of two rental properties from Jackson Dev. Corp.:

Tuckasegee Mills Bldg.:

(i) Sunrise Ripened Tomatoes, Inc. occupies approximately 14,000 sf and pays rent at the rate of \$1.50/sf which generates \$21,000 per annum. The rent payments are current.

(ii) QC Apparel occupies about 36,000 sf. The current lease was approved on July 1, 2010 and states the rent is \$1.00/sf which generates \$36,200 per annum. Rent payments are current on the new lease. The rent is past due on the prior lease in the amount of \$92,700. In addition, there is an outstanding balance on a revolving loan in the amount of \$410,094 and the last payment was made in January 2007.

(iii) Stanton & Stanton, Inc. does not have a current lease and has not vacated the premises. The company occupies 32,000 sf. The prior lease states the rent was \$1.00/sf with an escalation clause to \$1.50/sf. The past due rent is \$104,550.

Whittier Industrial Park:

(iv) Clearwood, LLC occupies county property located in the Whittier Industrial Park. The original rent was \$105,300 annually which was modified in 2007 and reduced to \$42,000 per annum. The rent is past due in the amount of \$83,166.72. In addition, there is an outstanding revolving loan in the amount of \$76,716.87 and the last payment was made in May 2010.

The county needs to consider taking action on whether to continue with these leases considering the amounts outstanding and consult with the county attorney at the appropriate time so he can advise what steps are available to the county.

Several months ago it was determined there were substantial deficiencies in the Tuckasegee Mills Bldg. and the county allocated \$500,000 to bring the building up to code. With the exception of a couple of items, the building is in compliance with all code items. A fire rated wall around the boiler is under construction and work is underway on an electrical issue. The county has spent \$395,193.91 of the allocation. The largest expenditure was a new roof at a cost of \$191,000 and \$84,000 for boiler improvements. Further investments will need to be made to the building

(d) On February 21, the Transit Dept. will be requesting the board to approve a grant application which includes a request for a local match of 15% for operations and 10% for replacement of equipment.

(e) A list of current county projects is being updated and status reports will be made.

(f) The Planning Dept. has approved a proposed Adult Establishment Ordinance. The county attorney will review the ordinance from a legal perspective before it can be submitted to the Board.

(g) ECU Dental Clinic: Engineers are presently evaluating a couple of different sites and expect to be back with a firm proposal in the near future.

(h) The Town of Sylva has submitted a formal request for use of the current library facility for its police department.

(3) CONSENT AGENDA: Darlene Fox, Finance Director, presented the finance and tax collector's reports for the month of December 2010 and one project ordinance.

Motion: *Commissioner Jones moved to approve the Consent Agenda.*

Commissioner Elders seconded the motion. Motion carried by unanimous vote.

(4) HIRING POLICY AMENDMENT: Mr. Wooten stated that on December 6, 2010 action was taken requiring approval from the Board of Commissioners before a formal employment offer could be extended. A number of positions are funded from grants and contracts and leaving these positions vacant does not benefit the county from a financial perspective. He recommended a proposed method for managing vacancies on a short term basis with a long term goal of transferring this authority to the county manager.

The Sheriff and Register of Deeds are elected and given the exclusive right to hire and discharge their staffs. The Health Dept. and Social Services Dept. are subject to the State Personnel Act which governs the procedures for their staffs.

He proposed that positions in the Sheriff's Dept., Register of Deeds, Health Dept. and Social Services Dept. funded by external sources be allowed to move forward with advertising; however, prior to recruitment, the department head or elected official would evaluate the need for the position and provide the county manager with a breakdown of funding sources for the position as a part of the vacancy notification process. The county manager will keep the Board fully informed about recruitment activities by those agencies. All other county positions totally funded from the general fund are subject to review and approval by the Board prior to advertising. There are currently 13 vacant positions of which about half are in the Health, DSS or Sheriff's Dept.

***Motion:** Commissioner Jones moved to authorize the county manager to have the overall authority for employment decisions funded, fully or in part, by external sources other than the general fund. Commissioner Cody seconded the Motion. All positions funded primarily from the general fund remain subject to review and approval by the Board. Motion carried by unanimous vote.*

(5) TUCKASEIGEE WATER & SEWER AUTHORITY:

***Motion:** Commissioner Jones moved to carry over the appointment. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(6) WHITTIER SANITARY BOARD: Mr. Wooten stated that the Local Government Commission has become involved and has engaged an auditing firm to audit the Whittier Sanitary District records.

***Motion:** Commissioner Elders moved to carry over the appointment. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(7) PLANNING BOARD:

***Motion:** Chairman Debnam moved to appoint Clark Lipkin to a 3-year term on the Planning Board. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

(8) AIRPORT AUTHORITY:

***Motion:** Commissioner Jones moved to carry over the appointments. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

(9) REGIONAL PLANNING OFFICE - TRANSPORTATION ADVISORY COMMITTEE: Each county and municipality has an appointment to this committee and traditionally the mayors and county chairs serve.

Motion: *Commissioner Elders moved to appoint Chairman Debnam to the RPO Transportation Advisory Committee. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

INFORMAL COMMENTS BY PUBLIC:

(a) John Burtner stated he has been renting a blacksmith shop at the Green Energy Park for the past 2 ½ years. The shop was fully equipped when he moved in and thus he was able to commence work immediately. Without the availability of the blacksmith shop, he would probably be without a job. Because of the park, he has been able to start saving money in order to open his own shop.

(b) Richard Tichich, Director of the School of Art & Design at WCU, stated he is pleased to find an energetic and visionary center like the Green Energy Park. Timm Muth is an engineer who is continually looking to the future as well as dealing with the present. Setting up a craft center utilizing renewable energy is commendable. The annual youth arts festival has become successful in supporting the creative energies of our children. He urged continued support of the park.

(c) Carl Iobst of Cullowhee stated the benefits of the Green Energy Park as a whole are impressive. A state report reflects that private sector jobs are being created by recycling one thing or another, including landfill gas. There are positive benefits being generated by the park.

(d) Marie Leatherwood of Sylva volunteered to meet privately with the Board and explain her findings concerning the financial history of the EDC/JDC.

(e) Meghan Kearns, WCU Energy Management Office at WCU, stated she supports the Green Energy Park. WCU and the park have had a mutually beneficial and supportive relationship. The park has participated in several annual events and on-campus activities and contributes to the education of students by giving lectures and hosting tours. The park is a fine example of sustainability and should be preserved.

(f) Michael Polomik stated he is an artist who exhibits regionally and nationally. The Green Energy Park has been one of the platforms of paramount importance in western North Carolina for several years. An establishment has been created that not only gives a positive and clear product by recycling, but sets a good example for methods of a sustainable lifestyle. He urged the Board to enable the park to continue in operation.

(g) Aaron Shufelt stated he is a graduate of WCU, a glass artisan and intern at the Green Energy Park. Crafts are an important part of western North Carolina. The park is a place where creative people come together to experience the arts. The park is unique because it is dedicated to preserving the arts through education and utilization of green energy.

PRESS CONFERENCE

CLOSED SESSION:

Motion: *Chairman Debnam 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)(5) Real Property (both addressing leases). Commissioner Cody seconded the Motion. Motion carried.*

Chairman Debnam called the regular meeting back to order and stated no action was taken in closed session other than approval of closed session minutes.

(10) AGENDA:

Motion: *Chairman Debnam moved to amend the Agenda by adding "Leases". Commissioner Elders seconded the Motion. Motion carried.*

(11) LEASES:

Motion: *Chairman Debnam moved to authorize Mr. Wooten to execute and mail a certified letter to the three delinquent tenants specifying a deadline for rents to be made current and request the Sheriff's Office to also hand deliver copies. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Cody moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 8:00 p.m.

Attested By:

Approved:

Evelyn B. Baker, Clerk to Board

W. J. Debnam, Chairman