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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
JUNE 21, 2010**

The Jackson County Board of Commissioners met in a Regular Meeting on June 21, 2010 at 6:30 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman	Ken Westmoreland, County Manager
Tom Massie, Vice Chair	Evelyn B. Baker, Clerk to Board
William Shelton, Commissioner	
Mark Jones, Commissioner	
Joe Cowan, Commissioner	Absent: W. Paul Holt, Jr., County Attorney

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan added Whittier Sanitary District Appointments, Bullfrog Cove Sewer Project, Proclamation Honoring Americans with Disabilities, and Commissioner Shelton added Amendments to the Driving Policy. Commissioner Cowan moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Commissioner Jones moved to approve the Minutes of the Public Hearing and Regular Meeting of June 7 and Reconvened Regular Meeting of June 8, 2010. Commissioner Cowan seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

- (a) Jim McCarthy of Greens Creek stated the Mercer pay plan was not followed.
- (b) Allan Grant of Webster stated he is a member of the Greenways Advisory Committee. The committee is very concerned that Emily Elders, Project Coordinator, is resigning. Under her direction several greenway projects have been accomplished and many more are underway. He requested that funding be made available to retain Ms. Elders as a part-time employee.
- (c) Debby Cowan of Qualla stated she is a member of the Greenways Advisory Committee. She urged the Board to consider funding and support for acquiring property and/or easements along the Tuckasee River so that the long-term visionary plan for greenways becomes a reality.
- (d) Carl Iobst of Cullowhee stated the proposed budget included salary increases for all employees; however, raises for managerial staff should not be considered.
- (e) Marie Leatherwood of Sylva stated her disagreement concerning salaries.
- (f) Richard Frady of Sylva stated he was retiring as Fire Chief of the Cullowhee VFD, but will remain a member of the department. He thanked the Board for hiring a fulltime employee for each fire department.

(1) PROCLAMATION HONORING DR. CECIL L. GROVES: Chairman McMahan read a proclamation honoring Dr. Cecil L. Groves, SCC President, who is retiring on June 30.

Motion: *Commissioner Shelton moved to proclaim June 30 as “Dr. Cecil L. Groves Day”. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(2) PROCLAMATION – AMERICANS WITH DISABILITIES ACT: Chairman McMahan read a proclamation in celebration of the 20th Anniversary of the ADA. The celebration is scheduled at 12 o’clock noon on July 26 at Pathways.

Motion: *Commissioner Jones moved to adopt a proclamation in celebration of the 20th Anniversary of the ADA. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

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

- (a) He attended an NCACC budget meeting in Buncombe County last weekend.
- (b) The NCACC Annual Conference is scheduled on August 26-29 in Pitt County. Registration fees will be waived for county commissioners and county managers if they register by July 26.
- (c) If federal Medicaid funding is withheld, will cause state funds to counties to be cut. To make up for that possible deficit, the legislature may take all lottery funds which would be an approximate \$250,000 impact to Jackson County. The county uses these funds for debt service.
- (d) A legislative bill is being discussed to expand the ways counties can use 911 funds by providing a one-time window to use up to 50% of the reserves for any public safety need. This would allow counties to upgrade their systems and provide an even better service to citizens. The bill also adds two local government representatives to the 911 Board.

(4) COMMISSIONERS REPORTS:

Commissioner Massie reported:

- (a) Last week he attended a working session with Blue Ridge Parkway officials and representatives from counties adjacent to the parkway. The park service has lost in excess of 30 positions who maintained the parkway. For the past four years, the Haywood County Travel & Tourism Authority has budgeted funds to keep the vistas cleared in Haywood County. The Jackson TTA may want to consider a like venture. Parkway officials also discussed using local GIS information for boundary line purposes.
- (b) Dr. Dean Chadwick of ECU School of Dentistry has requested a meeting with county officials to discuss plans for a dental school.

Commissioner Jones recommended that the Project Coordinator position remain in the budget.

Commissioner Cowan stated the Evergreen Foundation denied Smoky Mountain Mental Health’s request for financial assistance. A mediator will probably be necessary to resolve the issues.

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

- (a) Last Tuesday he accompanied some members of the school board and staff on a tour of several gyms and performing arts facilities in western North Carolina. Some policy direction is needed from the county, working in conjunction with the school board, to give direction to the architect before the next step can be taken. The size and scope of the facilities need to be discussed and evaluated. School board representatives have scheduled a tentative meeting on June 29 at 2:00 p.m. Commissioners Shelton and Jones will attend as the county’s representatives.

(b) He responded to the NC Dept of Labor, OSHA Division, with a follow up inspection report from the Fire Marshal. All of the elements he identified as deficiencies have been corrected or are in the process of being corrected. A contract is pending concerning the sprinkler system. The current sprinkler system is working, but some minor repairs are needed before a formal certification can be made which should be completed within the next ten days. Proposals are being reviewed concerning the roof, HVAC system and boiler. It appears the repairs will come in under budget. There will be no lapse in insurance coverage.

(6) FINANCE & TAX COLLECTOR REPORTS FOR MAY 2010 and BUDGET AMENDMENT: Darlene Fox, Finance Director, presented the finance and tax collector's reports for the month of May 2010 and one budget amendment.

Motion: *Commissioner Massie moved to approve the finance and tax collector's reports for May 2010 and one budget amendments. Commissioner Shelton seconded the motion. Motion carried by unanimous vote.*

(7) DUKE DISMISSAL DOCUMENTS: Attorneys for Duke and the County have prepared a final Settlement Agreement. Duke will file dismissals in all cases in the courts within five business days after the Settlement Agreement is executed.

Motion: *Commissioner Massie moved to authorize execution of the Settlement Agreement. Commissioner Shelton seconded the Motion. Motion carried by a vote of 4-1 with Commissioner Cowan voting "no".*

(8) GLENVILLE LAKE – JULY FIREWORKS: Stuart Hall requested that he be allowed to display fireworks at the "The Point Subdivision" on Glenville Lake. The Fire Marshal has made an investigation and denied the request pursuant to N.C.G.S. 14-414.

It was recommended that all future requests by agencies and individuals must be submitted at least 90 days in advance of an event and accompanied with a letter from the Fire Marshal.

(9) JULY REGULAR MEETING RESCHEDULED: Due to the July 4th holiday, the first regular meeting in July is rescheduled on Tuesday, July 6.

The second meeting in August is rescheduled to August 23 due to the Region A annual meeting scheduled on August 16.

(10) AUDIT CONTRACT: Dixon Hughes PLLC submitted a contract and engagement letter for the audit period beginning July 1, 2009 and ending June 30, 2010. The audit fee is \$78,300, the same as last year, and includes EDC and Airport Authority audits.

Motion: *Commissioner Shelton moved to approve the contract. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(11) RESOLUTION - INTERLOCAL AGREEMENT TO JOIN THE NCACC RISK MGMT POOL (R10-18): The resolution is for the county to adopt the interlocal agreement and to join the N. C. Assoc. of County Commissioners Risk Management Pool. Final quotes will not be available until June 23. After discussion, this meeting will be recessed until June 29 at 1:00 p.m. to consider this issue.

(12) SCATTERED SITE HOUSING PROGRAM QUARTERLY REPORT

(March - May 2010): Joan Stillwell, Community Development Director, reported one rehabilitation project (Whittier) and three relocation projects (two in Tuckaseegee and one in Cullowhee) were selected for the 2010 \$400,000 grant. Work in progress includes bid openings for the two Tuckaseegee projects and site work on one. There have been no problems, delays or expenditure of funds during the first quarter.

(13) WEBSTER COMPLEX: Billy and Donna Melton have requested a road right-of-way easement in the Webster Complex.

Motion: *Chairman McMahan moved to authorize execution of the right-of-way easement. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

(14) KINSLAND HAULING CONTRACT AMENDMENT: Mr. Westmoreland requested Kinsland Trucking's contract be amended to reflect lower hauling costs and fuel adjustment for recyclables because of the shorter hauling distance, i.e., Asheville rather than Greenville, SC.

Motion: *Commissioner Shelton moved to approve the contract amendment. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

(15) JUVENILE CRIME PREVENTION COUNCIL: Steve Lillard, JCPC Chairman, presented selected programs, a membership list and proposed funding for FY2010-11. The selected programs are Aspire Day Treatment, Project Pursuit, Project Challenge, and Hawthorne Heights in addition to JCPC administrative expenses. The local match will be \$19,971.

Motion: *Commissioner Jones moved to approve the programs, funding plan and membership list. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(16) FY2010-11 BUDGET ORDINANCE: Mr. Westmoreland stated the changes recommended after the public hearing have been incorporated. A \$50,000 positive credit in the Health Dept. was realized and allocated to the contingency fund and capital project fund.

Motion: *Commissioner Massie moved to adopt the FY2010-11 Budget Ordinance. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(17) WHITTIER SANITARY DISTRICT APPOINTMENTS: The Whittier Sanitary District was created by general statute in 1980. The sanitary district is located in both Jackson and Swain Counties; however, the majority is in Swain County. The Boards of Commissioners of Jackson and Swain Counties were required to jointly nominate and elect three members who reside in the district to constitute the Whittier Sanitary District Board. Two members have resigned. John Boaze and Marvin Cooper have volunteered to serve and are scheduled to be approved by the Swain County Board of Commissioners on June 23. Mr. Boaze requested Jackson County to ratify the two appointments. TWSA currently manages the sewer system in the district, but not the water system.

Motion: *Commissioner Shelton moved to appoint John Boaze and Marvin Cooper as interim appointees of the Whittier Sanitary District Board both to serve until the 2012 election. Commissioner Massie seconded the Motion with the caveat that the new members seriously consider dissolution of the district when it becomes feasible and turn the service over so TWSA. Motion carried by unanimous vote.*

(18) BULLFROG COVE SEWER PROJECT: The sewer system serving ten homes in the Bullfrog Cove development is failing because of natural erosion of the banks of Mill Creek which flows into the Tuckasegee River. There are environmental concerns because the sewer line is falling into the creek. The current engineering design calls for the replacement of the existing line with a 6-inch line; however, the minimum standard is an 8-inch line before it can be accepted by TWSA. TWSA has agreed to pay the extra engineering cost to upgrade the line from 6 to 8 inches. The homeowners are requesting the county to consider appropriating funds for an emergency repair which is estimated at \$30,000. The 8-inch line would be transferred to TWSA after it is repaired. The emergency water/sewer fund has a balance of approximately \$140,000. The county is requested to help pay for only the repair of the exposed problem area in the creek. The line into the actual development will be the responsibility of the homeowners. The homeowners must also make a financial contribution for the repairs. It was suggested that the municipalities be challenged to also establish an emergency water/sewer fund.

It was the consensus that the county will provide some financial assistance, but no actual figure will be considered until bids are received and evaluated.

Motion: *Chairman McMahan moved to direct the county manager to develop guidelines for future requests for emergency water/sewer projects and include the requirement that homeowners must also make financial contributions. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

(19) AMENDMENTS TO DRIVING & VEHICLE USAGE POLICY: Commissioner Shelton recommended that the driving and vehicle usage policy be amended to increase the overall efficiency in terms of wear and tear on vehicles and fuel savings. The proposed amendments include the requirement that employees are to drive personal vehicles to and from home and to any non-business related travel during working hours, including, but not limited to, lunch, banks, shopping etc. except when in the field on assignment. Carry over.

(20) SHERIFF'S OFFICE – GOVERNOR'S HIGHWAY SAFETY PROGRAM RESOLUTION (R10-17): The resolution requests federal funding in the amount of \$10,000 which does not require a local match.

Motion: *Commissioner Cowan moved to adopt the resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(21) SOLID WASTE ADVISORY BOARD: Carry over.

CLOSED SESSION:

Motion: *Commissioner Jones moved that the board go into closed session pursuant to G. S. 143-318.11(a)(4) Business Expansion (possible creation of a business to provide food and kitchen management services to the county). Commissioner Cowan seconded the Motion. Motion carried.*

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

At 10:15 p.m., Chairman McMahan recessed the meeting until June 29 at 1:00 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman