

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MARCH 19, 2007**

The Jackson County Board of Commissioners met in Regular Session on March 19, 2007, at 6:00 p.m., 401 Grindstaff Cove Road, Courtroom One, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Joe Cowan, Vice Chair
Tom Massie, Commissioner
William Shelton, Commissioner
Mark Jones, 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: Commissioner Cowan moved to approve the Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Chairman McMahan corrected the February 27, 2007 Public Hearing Minutes by deleting the word “developer” from Carol Odom’s public comments. Commissioner Massie moved to approve Minutes of the Regular Meeting of March 8, 2007 and corrected Minutes of February 27, 2007. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY PUBLIC: Alvin Frady requested that Andrews Park be opened at a minimum of one day, if not the entire week, during the school spring break. He stated that public parks and campgrounds in surrounding counties are open during this period for the benefit of children and parents as well as the various Scout troops.

Beverly Crespo, builder, stated that she supports the Board’s efforts in putting ordinances in place and agrees that the mountains must be protected; however, she is disappointed thus far with the draft subdivision ordinance. She stated that whatever is done should be done in a manner so that the reverse does not happen and become harmful to the people of Jackson County. According to her interpretation, the present draft ordinance does not protect the county. She urged the Board to hire experts who know how to accomplish what should be done to draft the ordinance.

(1) **PROCLAMATION HONORING DR. GWANG HAN:** Chairman McMahan presented a proclamation to Dr. Han and congratulated for his lifetime of service and dedication as a medical professional and particularly for the past 33 years in Jackson County. Commissioner Cowan moved to approve a proclamation honoring Dr. Han. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote. Dr. Han thanked the Board and expressed his appreciation for the honor.

(2) **SMOKY MOUNTAIN HIGH SCHOOL GIRLS BASKETBALL TEAM:** Chairman McMahan recognized the basketball team, winners of the NCHSAA State Championship, and presented them with a Proclamation proclaiming March 23, 2007 as Smoky Mountain High School Girls Basketball Team Day. Commissioner Shelton moved to approve the proclamation. Commissioner Massie seconded the Motion. Motion carried by unanimous vote. Cindi Simmons, Coach, thanked the Board for the tremendous honor.

(3) **FINANCE & TAX COLLECTOR REPORTS FOR FEBRUARY 2007 and BUDGET AMENDMENTS:** Commissioner Jones moved to approve the Finance & Tax Collector Reports for February 2007 and Budget Amendments. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

- (4) **CHAIRMAN'S REPORT:** Chairman McMahan reported:
- (a) The Haven at Mountain Oaks senior housing project ribbon cutting ceremony at the Webster Complex is scheduled on March 21st at 10:00 a.m.
 - (b) Region A Planning Commission meeting is scheduled on March 26th at 6:30 p.m. at the Holiday Inn-Cherokee.

(7) **COUNTY MANAGER'S REPORT:** Mr. Westmoreland reported that bids were opened on March 15th for salvage of useable building and construction materials in the old Qualla School. Even though extensive advertising was done, only one bid for a token amount of consideration, i.e., six windows, was received. He stated the amount is not cost effective for opening the building and incurring all the inherent liabilities to allow the removal of just six windows by an individual. He stated he is prepared to turn the facility over to the Qualla Fire Dept. who has made arrangements for demolition and clearing of the site in preparation for its new main fire station. The county will retain title to the property and a new fire station will be built on the site. The Qualla Fire Dept. will assume all responsibility for demolition of the old school. Attorney Holt suggested, for liability purposes, the county and fire department enter into a contractual arrangement. He was directed to proceed with drafting a contract.

Mr. Westmoreland stated he has already discussed opening Andrews Park earlier than usual with Jeff Carpenter, Recreation & Parks Director, and it will be open for several days during the week of spring break.

(8) ENVIRONMENTAL HEALTH PERMIT FEES: Paula Carden, Health Department Director, submitted the following revised health permit fees:

Onsite Sewer Permits Single Family Dwelling Unit (independent, stand alone unit) Improvements Permit		
	Current	Recommendation
2 bedrooms	\$ 180	\$ 160
3 bedrooms	180	240
4 bedrooms	300	320
5 bedrooms	300	400
6 bedrooms	420	480
7 bedrooms	420	560
More than 7 bedrooms	60	80/per bedroom
Construction Authorization Operations Permit	60	80
Large maint. Inspection/operation permit renewal		350
Multiple Family Dwelling Units/Commercial Business Establishments (apts., condos, offices, restaurants, etc.) Improvements Permit		
360 gal. or less daily sewage flow	\$ 180	210
Each addt'l 100 gallons of sewage flow	10	20
Construction Authorization Operations Permit	60	80
Tattoos		
Tattoo Artist Annual. Permit Fee	00	100
Temporary Tattoo Artist Permit Fee	00	100
Swimming Pools		
Annual Inspection Fee	00	100
Annual Inspection Fee for seasonal pools	00	125
Annual Permit for addt'l public swimming pools, spas, etc. at same facility	00	50
Plan Review Fees for Public Swimming Pools:		
< 3,000 sq. ft. public pool	00	150
> 3,000 sq. ft. public pool	00	200
Each additional feature	00	100
Food & Lodging Fee Plan Review Fees		
Food Stand, meat markets (0 seats)	00	75
(1-25 seats)	00	100
(26-75 seats)	00	150
(> 75 seats)	00	200
Mobile Push Carts	00	25
Temporary food Stands (festivals) per event	00	25
Mass Gatherings (concerts, etc.)	00	500

Commissioner Shelton moved to approve environmental health permit fees as set out in the “recommendation” column effective April 15, 2007. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(9) WHITTIER SANITARY DISTRICT RESOLUTION: A joint resolution between the Whittier Sanitary Board and Jackson County was submitted. Chairman McMahan stated that the TWSA Board has no objections and will be adopting a supporting resolution. Further, Bill Gibson of the Southwestern Commission is drafting contracts for TWSA concerning monitoring and operational purposes. The Eastern Band of Cherokee Indians also adopted a resolution stating it will assist with funds for operational costs during the first three years. Mr. Westmoreland recommended April 1, 2008 as the projected date to create a sewer district.

Commissioner Shelton requested and received permission to recuse himself from voting due to a perceived conflict of interest. Commissioner Jones moved to adopt the Resolution. Commissioner Massie seconded the Motion. Motion carried.

(10) WEBSTER COMPLEX, PHASE II WORK PLAN: Mr. Westmoreland stated there are plans for two or three future building projects, Jackson County Rescue Squad, Department on Aging and possibly in the distant future a new Health Department, for the Webster Complex; however, plans cannot move forward without an engineering design for the remainder of the site work. The county has an existing contract with Phillips & Jordan who has indicated a willingness to pursue Phase II as a change order, but the county must make that determination within the next couple of months. He requested that the Board consider authorizing engineering work at the site in order to evaluate the need or benefit of a change order or pursue a separate bid. The approximate cost for the engineering services is \$30,000 and since the original contract was under budget, residual funds could be applied towards engineer services.

Chairman McMahan suspended the rules and Commissioner Shelton moved to amend the Agenda by removing the word “discuss” from the Webster Complex Phase II Work Plan issue. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

Commissioner Cowan moved to authorize the county manager to proceed with engineering studies for the Webster Complex. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(11) PLANNING BOARD APPOINTMENT: Commissioner Shelton moved to appoint Joe Ward to fill the unexpired term of Mike Moore on the Planning Board. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(12) PLANNING BOARD VICE CHAIR: Commissioner Massie moved to appoint Kim Cowan to fill the unexpired term of Mike Moore as Vice Chair of the Planning Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

Commissioner Jones moved that the Board go into Closed Session pursuant to G. S. 143-318.11(a)(6) Personnel. Commissioner Shelton 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.

Chairman McMahan moved to amend the Agenda by adding Building Inspections Department. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(13) BUILDING INSPECTIONS DEPT.: Chairman McMahan moved to create the position of Deputy Building Code Official. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Shelton moved that the meeting be adjourned. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 7:00 p.m.

Attested By:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman