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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 6, 2011**

The Jackson County Board of Commissioners met in a Regular Session on June 6, 2011, 2:00 pm, Justice & Administration Bldg., Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

Present: Jack Debnam, Chairman	Chuck Wooten, Interim County Manager
Doug Cody, Vice Chair	Evelyn Baker, Clerk to Board
Charles Elders, Commissioner	J. K. Coward, County Attorney
Mark Jones, Commissioner	
Joe Cowan, Commissioner	

Chairman Debnam called the meeting to order.

AGENDA: Chairman Debnam added FY2011-12 Budget and Tax Foreclosure Attorney Agreement. Commissioner Elders moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Jones requested the May 16 Regular Meeting Minutes, paragraph (8) be amended to state he also attended the meeting with Mr. Duckham. Commissioner Jones moved to approve the Reconvened Work Session and amended Regular Meeting Minutes of May 16, 2011. Commissioner Cowan seconded the Motion. Motion carried.

(1) COMMISSIONER REPORTS: Commissioner Cowan requested that a representative from DOT and SCC be invited to discuss the road from NC 116 to NC 107.

(2) COUNTY MANAGER REPORT: Mr. Wooten reported:

- (a) ECU Dental Clinic: Engineers are completing work on the preferred site. The State Construction Office has requested some additional soil testing.
- (b) Unemployment: Jackson County continues to have positive news compared to other western counties. The April rate was 8.3% which is .8% less than a year ago and 1% less than March.
- (c) Delinquent Taxes: 2010 delinquent taxes will be advertised in the June 9 edition of *The Sylva Herald*. There are 3,069 parcels with outstanding taxes in the amount of \$1.7 million.
- (d) State Budget: Impacts if the proposed state budget is adopted include:
 - Lottery proceeds: \$100 million in county lottery school construction funding, but Jackson County's share will be \$252,434 which is \$48,109 less than anticipated;
 - Rejects the proposal to shift school bus replacement costs, workmen's compensation and tort claims to counties;

- (e) Occupancy Tax: The county's request for authorization to increase the room occupancy tax is now included in House Bill 96.
- (f) HomTex: HomTex officials are pursuing acquisition of another building scheduled for auction in July. If that is unsuccessful, they will negotiate for a longer term lease in the county facility, but both plans are contingent on business contracts.
- (g) Stanton & Stanton: The next court appearance on the ejection issue is June 13.
- (h) Library-Historic Courthouse: The official dedication of the new library is scheduled on June 11 at 10:00 a.m.

(3) FIREWORK DISPLAYS: Alan Farmer, Fire Marshal, submitted five Permit Applications for July 2-4: East Coast Pyrotechnics to display fireworks at Glenville Lake and the Chattooga Club, Southwestern Pyrotechnics at Wade Hampton Golf Club, and Pyrotechnics/Marsha LeFebvre at Bear Lake Preserve and Sundog Development. He stated the applicants have submitted the required documentation including proof of insurance; however, his office cannot issue a permit until a site inspection has been performed on the day of the event.

Motion: Commissioner Cody moved to authorize the Fire Marshal to proceed with the applications of East Coast Pyrotechnics, Southwestern Pyrotechnics and Pyrotechnics/Marshal LeFebvre to display fireworks contingent upon the Fire Marshal issuing a permit. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(4) FIRE PROTECTION CONTRACTS: Alan Farmer, Fire Marshal, presented Fire Protection Contracts for Balsam-Willets-Ochre Hill VFD, Canada VFD, Cashiers-Glenville VFD, Cullowhee VFD, Qualla Volunteer Fire & Rescue Dept., Savannah VFD, and the Town of Sylva. The contracts are for a term of four years (6/30/11-6/30/15).

Motion: Commissioner Jones moved to approve the seven fire protection contracts. Commissioner Elders seconded the motion. Motion carried by unanimous vote.

(5) CASHIERS RECREATION FACILITY: Mr. Wooten stated the Board met in a work session last Friday with Dan Duckham, Architect, who stated the plans should be ready for bids within 60 days. He recommended the county engage the services of a professional estimator to review the plans and apprise the Board of the estimated cost. The cost for the estimator is \$2,500-\$3,000. He stated he had considered borrowing funds for the project, but recommended making an appropriation from the fund balance. He recommended the project be bid as a single prime bid to pre-qualified general contractors.

Motion: Commissioner Jones moved to engage the services of a cost estimator. Commissioner Elders seconded the motion.

Commissioner Cowan recommended that the project be funded from the fund balance.

Amended Motion: Commissioner Jones moved to engage the services of a cost estimator and fund the project from the fund balance. Commissioner Elders seconded the amended motion. Motion carried by unanimous vote.

(6) COUNTY MANAGER CONTRACT: Mr. Wooten was offered an employment agreement to serve as county manager at a base salary of \$120,747.96 per year plus county employee benefits. The agreement does not specify a term, but does provide conditions for termination by either party.

Motion: *Commissioner Elders moved to approve the agreement. Commissioner Cody seconded the motion.*

Commissioner Cowan recommended that Section 5, paragraph "C" be amended to read: *"The Employee is entitled to accrue all unused leave in accordance with county policy, not to exceed 30 days, and in the event the Employee's employment is terminated, either voluntarily or involuntarily, the Employee shall be compensated for all accrued vacation time, all paid holidays, executive leave, not to exceed 30 days, and other benefits to date"*.

Amended Motion: *Commissioner Elders moved to approve the agreement subject to an amended Section 5, Paragraph "C". Commissioner Cody seconded the amended Motion. Motion carried by unanimous vote.*

(7) FY2011-12 BUDGET: Mr. Wooten presented the following:

(a) **Non-Emergency Information System 2-1-1:** Duke Energy offered to provide a \$50,000 match for a period of three years contingent upon all western counties participating. Jackson County's cost is \$2,880.00 per year. The program can be evaluated at the end of three years to determine if it should be continued.

Motion: *Commissioner Cody moved to appropriate the sum of \$2,880.00 for the 2-1-1 program contingent upon full participation by all the westernmost counties. Commissioner Elders seconded the motion. Motion carried by unanimous vote.*

(b) **Great Smoky Mountains Railway:** Mr. Wooten stated he met with GSMR representatives and was informed that the tentative steam engine schedule would be: June, July and August originate out of Dillsboro 2 to 3 days per week; October originate out of Dillsboro 3-4 days per week and in November and December (Polar Express) it would originate out of Dillsboro on Fridays and Saturdays as well as the week of Christmas. Funds are available in the EDC Fund that could be utilized for the project at some future time. GSMR has requested \$95,176 from Jackson County for painting the cars and renovations to the steam engine. Swain County and Swain TTA have contributed \$25,000 each toward the expenses of relocating the train to North Carolina.

(c) **Health Dept. Salaries:** A commitment was made by the previous county manager to incorporate an additional salary increase for the Environmental Health Division Manager following the completion of certain courses and certifications. The salary increase was included in the proposed budget. Mr. Wooten recommended that the salary increase be granted because the previous county manager signed a written commitment, even though the county attorney was of the opinion it is not a contract.

Motion: *Commissioner Cowan moved to approve the recommendation. Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

(d) **Sylva Fire Dept.:** Funding for a Sylva substation in the amount of \$15,000 was authorized in the current budget and continues in the proposed budget even though just parking fire trucks in the Rescue Squad Building at the Webster Complex does not formally meet the definition of a substation. A substation normally expands the fire protection area and increases the required number of volunteers. There was no increase of the fire expansion area or number of volunteers; however, the action was approved to enhance the response time in the Webster area. The Sylva Fire Dept. contends it purchased a new vehicle with the understanding that it would be reimbursed by a “substation” allocation. The Rescue Squad has two vehicles parked in the Sylva Fire Station.

(e) **Emergency Management:** The radio repeaters must be upgraded to state standards by 2013. Todd Dillard, Emergency Management Director, obtained quotes to upgrade the equipment and the low quote is \$96,175.19. The county can utilize up to 50% of Fund 22 (911 funds), which has a balance of approximately \$239,000, during FY2011-12.

***Motion:** Commissioner Cowan moved to appropriate the sum of \$96,175.19 from Fund 22 to upgrade the radio repeaters. Commissioner Elders seconded the motion. Motion carried by unanimous vote.*

(f) **Library:** Mr. Wooten compiled the following library support data from Swain, Macon and Jackson Counties:

	Jackson County	Macon County	Swain County
Contribution to Fontana Regional	\$ 873,260	\$ 951,390	\$ 189,000
Debt service on library building	1,111,474	271,340	-
Bldg operation & maint.	106,000	100,000	47,000
Total	\$ 2,090,734	1,322,730	\$ 236,000
2010 Census	40,271	33,922	13,981
Appropriation per capita	\$ 51.92	\$ 38.99	\$ 16.88

(8) **TAX FORECLOSURE ATTORNEY AGREEMENT:** The agreement is for legal assistance in tax foreclosure proceedings. Payment for legal services shall be billed at the following rates plus all actual out-of-pocket expenses:

Attorney \$200 per hour
 Associate Attorney \$150 per hour
 Paralegal \$ 75 per hour
 Title Abstractor \$ 75 per hour

All expenses associated with foreclosures are added to the foreclosure sales price, thus the county will be reimbursed. The only exception would be if the county ends up being the owner of a parcel; however, that parcel could then be sold by the county and the costs recouped. Commissioner Elders recommended that the agreement be limited to qualified Jackson County attorneys. Mr. Coward recommended the County Manager be authorized to sign Tax Foreclosure Attorney Agreements.

Motion: *Commissioner Elders moved to approve the standard agreement and authorize the County Manager to sign Tax Foreclosure Attorney Agreements. Commissioner Cody seconded the motion. Motion carried by unanimous vote.*

(9) SOCIAL SERVICES BOARD: Carry over.

(10) SOUTHWESTERN COMMUNITY COLLEGE BOARD: Carry over.

INFORMAL COMMENTS BY PUBLIC: Marie Leatherwood of Sylva stated she is dissatisfied that JDC financial records have not been investigated.

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. Commissioner Jones 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.

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Cody seconded the Motion. Motion carried and the meeting adjourned at 5:15 p.m.

Attested By:

Approved:

Evelyn B. Baker, Clerk to Board

W. J. Debnam, Chairman