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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
OCTOBER 17, 2011**

The Jackson County Board of Commissioners met in a Regular Session on October 17, 2011, 6:00 pm, Albert-Carlton Library, Cashiers, North Carolina.

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

Chairman Debnam called the meeting to order.

AGENDA: Chairman Debnam amended the Agenda by adding Room Occupancy Tax. Commissioner Elders moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Elders moved to approve the Minutes of the Public Hearing and Regular Meeting of October 3, 2011. Commissioner Cody seconded the Motion. Motion carried.

(1) CHAIRMAN'S REPORT: Chairman Debnam reported that a Work Session with the School Board is scheduled on October 24th, 4:00 p.m., Room A227, Justice & Administration Bldg.

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

(a) Cashiers Recreation Center Site Work: There are still a few outstanding items: The fire pump is installed, but has not been tested nor has training been done. The bio-retention pond is a critical component and was designed to meet NCDENR requirements and must be constructed to the approved plans and specifications. An independent testing agency has been engaged to verify compaction on the slopes and banks that form the pond and to evaluate the potential damage from silt that ran into the pond before the area was stabilized. The sewer line serving the county office building, recreation center, concession stand, and maintenance building has not been accepted and certified by the engineer. Without the engineer's certification NCDENR will not approve the line, thus TWSA will not accept the line. A portion of the site work will be accepted, i.e., the building pad for the recreation facility, maintenance building pad and parking lot.

(b) Long Term Indebtedness: Periodically, public finance firms monitor the outstanding indebtedness of counties to identify possible opportunities for refunding debt to take advantage of lower interest rates that can generate both annual and long term savings. Early estimates suggest that the county's annual debt service could be reduced by approximately \$70,000. The first step will be to contact the Local Government Commission to seek its guidance and approval. The time required to complete a transaction like this is approximately 3 months.

(c) County Owned Property: He recently met with representatives from the Sequoyah Fund who continue to show interest in the Whittier property (formerly Clearwood). The most recent flood maps show this property is in the flood zone. He met with McGill & Associates who have done a lot of work on that site and were involved in the original design and installation of the berm system surrounding the property to provide protection against flooding. In fact, the previous flood maps show the property outside the flood plain. He has asked for a proposal to have this property re-certified outside the flood plain. He has also had an inquiry concerning a couple of lots in the Cashiers area that were originally purchased as possible pump station sites. An appraisal is being conducted on these sites to better understand the current market value.

(d) Tax Foreclosures: After Mr. Ridenour wrote initial letters to delinquent taxpayers, \$111,000 has been collected. He has filed seven foreclosure lawsuits over the past couple months. In one case, a court date of November 7th has been set to seek default judgment and an order for sale unless the landowner pays the taxes and other fees before then. Two defendants have established payment plans. The remaining four cases were just filed recently.

(e) Office of State Fire Marshal Inspections: Recent rating inspections by the Office of the State Fire Marshal of the Balsam-Willets-Ochre Hill, Canada, Cashiers-Glenville, and Cullowhee Fire Departments were made and all passed their inspections. In addition to the inspections, they may also receive some modification to their current insurance classification. That information should be available by the end of the calendar year.

(f) Open Meetings and Public Records: Mr. Coward and he attended a workshop hosted by the UNC School of Government. It is one of those areas that can be very confusing and we will benefit from the information shared at the workshop.

(g) Advantage West Economic Summit: The summit is scheduled on November 14th in Asheville.

(3) CONSENT AGENDA: Darlene Fox, Finance Director, presented the Finance and Tax Collector's reports for September 2011, Grant Ordinance for a \$600,000 CDBG Grant (REACH Village Acquisition Project) and one budget amendment.

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

Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(4) BARKING DOGS ISSUE: Bill Armgard of Cashiers stated the problem with the excessive noise from barking dogs is not isolated to just him, but the entire Norton Community. The noise is not from household pets, but a dog kennel located in the area. The dogs bark 24 hours per day – every day. He presented copies of ordinances from several surrounding counties and towns that address the “barking dog” issue. He requested the county to adopt an ordinance to assure that barking dogs do not disturb the peace of neighbors.

(5) NOISE ORDINANCE: Gerald Green, Planning Director, stated he had researched noise and nuisance ordinances in surrounding counties. Jackson County’s Noise Ordinance prohibits any “loud, raucous and disturbing noise” defined as “any sound, which because of its volume level, duration and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities”. The Noise Ordinance exempts animals and pets from the standards set forth for “noise”. The Sheriff’s Office enforces the ordinance.

Haywood, Henderson, Swain and Transylvania counties and the Towns of Sylva and Highlands, address “barking dogs” in their noise ordinances. The ordinances and standards vary slightly, but the intent of all the ordinances is to assure that barking dogs do not disturb the peace of neighbors. The ordinances are enforced by the respective Sheriff and Police Departments. Macon County does not have a noise ordinance nor does it address barking dogs in any other manner.

(6) TUCKASEIGEE RIVER GREENWAY CONTRACT – PHASE I: Gerald Green, Planning Director, stated three proposals were received for the preparation of construction drawings and cost estimates for Phase 1 of the Tuckaseegee River Greenway project. Phase 1 is the section from the intersection of NC 107 and the Old Cullowhee Road to Monteith Gap Road (approximately one mile). After reviewing the proposals, the selection committee selected Stillwell Engineering. The costs, which include construction drawings, permits, surveying, wetland consultation/ permits, geotechnical consultation and testing, etc. will not exceed \$45,000. Funds are available in the Conservation, Preservation and Recreation (CPR) Fund for this project. He recommended that Stillwell Engineering be awarded the contract. The county attorney has reviewed and approved the contract.

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

(7) STILLWELL, ALEC – LEASE: Mr. Wooten presented a Lease for the property formerly known as the Chamber of Commerce building in Sylva to Alec Stillwell for one year with a one year option at a monthly rental rate of \$650.00. The county attorney has reviewed the Lease.

Motion: *Commissioner Elders moved to approve the Lease Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

(8) ALCOHOLIC BEVERAGES PROHIBITED IN COUNTY FACILITIES: Mr. Wooten stated that as part of the negotiations for a lease between Jackson County and the Fontana Regional Library for the Jackson County Library and Historic Courthouse Complex, a request was made by Fontana Regional Library to consider including a provision to allow alcohol to be served in the complex or adjacent areas utilizing a special ABC permit. Presently, the county does not allow alcoholic beverages to be served in any county facility. Authorizing alcoholic beverages to be served in that facility will most likely lead to additional requests for other county facilities.

Attorney Coward stated if the Board permits the request, Fontana Regional Library would assume all liability. The county would not be subject to any liability or responsibility whatsoever. He was informed that Fontana Regional Library has received requests for use of the facilities for weddings and other public gatherings if alcoholic beverages could be served.

Chairman Debnam stated he objects because a public entity would be competing against the private sector. Further, where would it stop?

Commissioner Cowan stated the county holds title to public schools, thus how would such a request from them be handled and to what extent is the county not liable.

Motion: *Commissioner Cowan moved that alcoholic beverages be prohibited in all county facilities. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(9) SURPLUS VEHICLES: Darlene Fox, Finance Director, requested that the following vehicles be declared surplus and authorized for disposition as follows:

- (a) 2003 Mercury (drug seizure) – transfer to Board of Education
- (b) 2002 Dodge Van (transit) – sell to SCC for \$1,000
- (c) 2002 Dodge Van (transit) – sell to Mountain Projects for \$1,000
- (d) 2002 Ford Truck – offer for sale on-line

Motion: *Commissioner Cowan moved to declare the four vehicles surplus and disposed of as recommended. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(10) ROOM OCCUPANCY TAX: Attorney Coward stated that after reviewing the private legislative bill again, he recommended that the October 3, 2011 Motion to levy additional room occupancy tax be rescinded, a public hearing be scheduled and a resolution be considered at a subsequent regular meeting.

Motion: *Commissioner Elders moved to rescind the Motion to levy an additional 3% room occupancy tax rate he made at the October 3, 2011 Board Meeting. Commissioner Cody rescinded his second. Motion carried by unanimous vote.*

Public Hearing: Chairman Debnam scheduled a public hearing on November 7, 2011 at 1:50 p.m.

(11) SMOKY MOUNTAIN CENTER RESOLUTION (R11-20): Attorney Coward stated that Smoky Mountain Center (SMC) is the Local Management Entity and Jackson County is obligated to provide for mental health, developmental disabilities and substance abuse services for its citizens. SMC needs to purchase property in Haywood County to house some of its offices. Pursuant to G. S. 122C-147 (c) each county in the fifteen-county area must approve the purchase of real property by an area authority. No additional local funds are required.

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

(12) COUNTYWIDE ALCOHOLIC BEVERAGE ELECTION RESOLUTION

(R11-21): The resolution is simply a request that the issue be placed on a ballot and does not mean the Board supports or opposes the issue, but believes the citizens should be afforded the opportunity to vote. The resolution authorizes the Board of Elections to place the (a) sale of malt beverages; (b) sale of unfortified wine; (c) operation of ABC stores; and (d) permit the sale of mixed beverages in hotels, restaurants, private clubs, community theatres, and convention centers, on the next regularly scheduled eligible countywide election ballot; however, documentation must be submitted to the U. S. Dept. of Justice for pre-clearance. If there are no unforeseen problems, this issue could be on the May 2012 primary ballot.

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

(13) SOLID WASTE BOARD: Carry over.

(14) CASHIERS PLANNING COUNCIL:

Motion: *Commissioner Jones moved to reappoint Sean Ross, Michael Benitez, and Skip Ryan to 3-year terms on the Cashiers Planning Council. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

INFORMAL COMMENTS BY PUBLIC:

(a) Henry Hoche of Glenville stated it is difficult for those in the lodging business today due to the current economy and opposes increasing the room occupancy tax because it will mean fewer people will be staying for shorter periods of time.

(b) Judy Brown of Cashiers expressed her appreciation for the recreation center, the appointment of a representative from the Cashiers area to the TWSA Board, and for giving the people the opportunity to vote on permitting the countywide sale of alcoholic beverages.

(c) David Young of Highlands stated there is a need for an ordinance addressing barking dogs even though people should be responsible for their animals.

(d) Bob Dews of Cashiers stated he owns an inn and because of the current economy the number of lodging guests has decreased. Guests are now inquiring what the “full cost” for lodging is. Levying an additional 3% room occupancy tax will not benefit lodging operations.

(e) Jack Nichols of Cashiers stated his appreciation for the recreation center, but the issue of permitting alcoholic beverages in certain counties facilities is a “slippery-slope”.

PRESS CONFERENCE

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

Attest:

Approved:

Evelyn Baker, Clerk to Board

W. J. Debnam, Chairman

