

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 1, 2012**

The Jackson County Board of Commissioners met in a Regular Session on October 1, 2012, 2:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

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

Chuck Wooten, County Manager
J. K. Coward, Jr., Co. Attorney
Pat Parris, Clerk to Board

Chairman Debnam called the meeting to order.

AGENDA: Commissioner Elders moved to approve the Agenda. Commissioner Cowan seconded the Motion. Motion carried.

MINUTES: Commissioner Jones moved to approve the Minutes of a Work Session, two Public Hearings and Regular Meeting of September 17, 2012. Commissioner Cowan seconded the Motion. Motion carried.

(1) COMMISSIONER REPORTS: Commissioner Cowan reported that on September 21st he and Commissioner Jones attended an awards presentation on behalf of the Jackson County Library for the Gertrude S. Carraway Award of Merit from Preservation North Carolina. The Carraway Awards are presented each year to people and organizations demonstrating genuine commitment through extraordinary leadership, research, philanthropy, promotion and/or personal participation in historic preservation.

Commissioner Jones stated that after reading an article in *The Sylva Herald* regarding local post offices, he recommends that the Board consider adopting a Resolution in support of keeping local post offices open and send it to local Congressmen requesting their assistance.

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

(a) Cashiers Sidewalk Project: The NCDOT provided funding for the extension of Frank Allen Road and that project has been completed through a change order with the site work general contractor. There were funds remaining from the NCDOT allocation and the county has requested permission to utilize those funds to extend the sidewalk from the parking lot for the new recreation center to Hwy 64 and it was approved. As part of the project, NCDOT requested some modifications to drainage along the road and Victor Lofquist has prepared the plans accordingly. The project has been advertised and bids will be accepted on October 11, 2012 and this should complete all the work related to developing the site.

(b) SCC Building in Cashiers: Previously, needed repairs were identified for the main floor of the house to accommodate the senior programs including the congregate meal program that is currently served at the community center building. SCC has relocated its offices to the basement of this house therefore the main floor is available for other purposes. When bids were solicited for the repairs, only one response was received which is inadequate. Dan Duckham has been requested to evaluate the space and identify items that need to be updated for code compliance and to make sure the house is fully accessible. In addition, the residential bathroom on the main floor will be converted into a men's and women's handicap accessible restroom. Finally, Mr. Duckham is evaluating the mechanical system to make sure it is adequate and operating correctly to serve both levels of the house. Long term, the garage of this house will be reevaluated as a possible satellite office for the Sheriff's department which is currently housed in the basement of the inspections and code enforcement house. The garage is currently used for storage by the grounds department and will be available when the maintenance building which is part of the recreation project is completed.

(c) Cashiers-Glenville Recreation Building: This project is progressing very well. Sod has been installed in the yard and work will begin on landscaping and plant beds around the exterior of the building in advance of cold weather. The exercise equipment has been ordered and the interior work is moving along well. The project remains on schedule for completion within the next 90 days.

(d) Local ABC License: An inquiry has been made by an applicant for a county ABC permit. NCGS 105-113.70 requires that each person who is issued an ABC permit must also obtain a corresponding local license from their town and county. To date, the County has never issued a county license even though technically it probably should have issued a local license for those entities inside the towns that were issued an ABC permit. Letters have now been sent with an explanation and invoices to each person/business (88) who possess an ABC permit. Upon receipt of the license payment, the County will issue a license for the period of May 1, 2012 through April 30, 2013. Unfortunately, the invoices were mailed in advance of the letter so there has been some confusion, but explanations are being made as calls come in. The total revenue from these licenses will be \$3,430. The permit must be renewed annually and the total revenue will fluctuate as new permits are issued and existing permits are forfeited.

(e) Jackson County Aging Demographics: Information related to the "State of Aging" in Jackson County as prepared and distributed by Region A was provided to the Board.

(f) Legislative Request to the NCACC: The County requested the NCACC to support legislation that would provide counties with some process to track and provide some oversight to video sweepstakes locations across the county. Fortunately, municipalities can track these entities through privilege licenses; however, counties do not have the same authority for such a program. A bill was introduced during the short session to establish a state and local tax for these entities and it is anticipated this bill will be discussed during the upcoming long session of the NC General Assembly scheduled to convene on January 9, 2013. This same issue is before the State Supreme Court as to the legality of these operations.

(g) Region A: Bill Gibson, longtime director of this entity, has announced his plans to retire before the end of the calendar year. Ryan Sherby has been appointed as interim director and the Board will make a recommendation for a permanent director at the December meeting of the Region A board.

(h) Sale of Metrostat Assets to BalsamWest: The sale of Metrostat assets to BalsamWest is almost complete. Most of the paperwork has been prepared, reviewed and approved. It is anticipated that this transaction will be finalized within the next couple of weeks.

(i) Lump Sum Salary Increase to Employees with Salaries of \$40,000 and Less: The one-time, non-recurring payment of \$650 will be issued on October 5th. Funds were provided in the FY 12-13 budget for 240 employees having salaries under the threshold amount.

(3) SMOKY MOUNTAIN HIGH AND BLUE RIDGE SCHOOL

PROJECTS: Mr. Wooten presented a letter from Cort Architectural which states six bids were received and recommends the construction contract be awarded to the lowest responsible bidder, Monteith Co., Inc., Charlotte, NC, NC License No. 43319, in the total amount of \$11,451,000. The architect recommended acceptance of the base bid and alternates 2-13 (alternate one was deleted). The bid is approximately 1% more than the estimate and the architect recommends that the contingency amount be reduced from 5% to 4% (\$417,223).

Motion: *Commissioner Cowan moved, contingent upon approval by the North Carolina Local Government Commission (LGC) for a bank qualified loan in the amount of \$10,000,000, (a) to accept the low bid from Monteith Construction Company, Inc., Charlotte, NC, NC License No. 43319, in the amount of \$11,451,000 which includes a base bid of \$10,180,000 and Alternates number 2 through 13; (b) that upon approval by the LGC, the Chairman is authorized to execute contracts for the construction of the projects at Smoky Mountain High School and Blue Ridge School; (c) to waive compliance with submitting the bid proposal in two envelopes and waive strict compliance with the WMBE goals on bid day. Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

(4) SALE OF PUBLIC PROPERTY – HOUSTON ESTATE: Mr. Wooten stated that the Ray Houston Estate gave the County and Mountain Projects, jointly, 7.55 acres located in the southern end of the county. The privately appraised value of the property is \$60,000. David A. Wansley submitted a cash offer of \$61,300. The Board adopted Resolution R12-29 on September 17, 2012 accepting the offer. Pursuant to N.C.G.S. 160A-269 the offer was advertised in local newspapers and no upset bid has been received. The net proceeds, after payment of costs associated with the transfer, would be divided equally between the County and Mountain Projects.

Motion: *Commissioner Elders moved that the county attorney prepare documents to transfer title to David A. Wansley for the cash sum of \$61,300 and, after payment of costs associated with the transfer, to divide the net proceeds equally between the County and Mountain Projects, Inc. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

(5) FIRE DISTRICT MAPS RESOLUTION (R12-30): Michael Forbis, Deputy Fire Marshal, presented revised countywide Fire District maps and requested adoption of a Resolution approving the maps.

Motion: *Commissioner Cody moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(6) **CODE OF ORDINANCES AMENDMENT**: Mr. Coward presented the following proposed amendment to the Jackson County Code of Ordinances which imposes penalties for non-compliance and is applicable to all county ordinances:

Chapter 1, Section 1.11 of the Jackson County Code is hereby amended as follows:

- (A) A violation of or failure to comply with any provision of a county code or ordinance is a misdemeanor as provided by G.S. 14-4 and may subject the offender to a fine of up to \$500, imprisonment of up to six months or both.
- (B) A violation subjects the offender to a civil penalty to be recovered by the county in a civil action in the nature of a debt if the offender does not pay the penalty within ten days after being cited for the violation.
- (C) A county ordinance may be enforced by law or by an equitable remedy, including injunction and abatement, as set forth in G.S. 153A-123. It is not a defense to the county's application for equitable relief that there is an adequate remedy at law.
- (D) Each day's continuing violation is a separate and distinct offense.
- (E) Any one, all or combination of the foregoing penalties and remedies may be used to enforce this Code.

A public hearing was scheduled on October 15th at 5:45p.m.

(7) **PUBLIC ASSEMBLY ORDINANCE**: Mr. Coward presented a proposed ordinance to establish that certain County facility grounds may be reserved for a public assembly provided certain conditions are met to protect the safety of citizens and visitors as well as to safeguard County property.

A public hearing was scheduled on October 15th at 5:50 p.m.

(8) **U.S. 441 GATEWAY DISTRICT PLANNING COUNCIL**:

Commissioner Elders presented a list of individuals who have expressed an interest in serving on the Council.

Motion: *Commissioner Jones moved to reappoint Jason Lambert and Debbie Cowan, appoint Dora Robinson, Mike Moore, and Myra Cloer, as members and Lyna Ferguson, Mary Moody and Sue Clement as alternates, all for 3 year terms on the U. S. 441 Gateway District Planning Council. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

Informal Comments by Public: Susan Leveille of Dillsboro stated the Green Energy Park is an incredible asset to the county. The recent Youth Arts Festival offered children, among other activities, the opportunity to experience hand weaving. The festival adds to community involvement which included WCU and SCC faculty and students, artists and crafts people from the surrounding area in addition to food and drink entrepreneurs. The festival offers children, at no charge, the rare opportunity to experience making things under the guidance of those with honed skills. The park is vital to the county's economic structure with tourism being one strong component as approximately 1,500 residents and tourists attended this year's festival. The park demonstrates the understanding and desire to honor our heritage - that of working with our hands making things.

Press Conference

There being no further business, Commissioner Jones moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 3:00 p.m.

Attest:

Approved:

Patsy C. Parris, Clerk to Board

W. J. Debnam, Chairman