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Time Posted: _____
Posted By: Pat Parris
Witnessed By: _____

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
DECEMBER 2, 2013**

The Jackson County Board of Commissioners met in a Regular Session on December 2, 2013, 2:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

Present: Jack Debnam, Chairman	Chuck Wooten, County Manager
Doug Cody, Vice Chair	J. K. Coward, Jr., Co. Attorney
Charles Elders, Commissioner	Pat Parris, Clerk to Board
Mark Jones, Commissioner	
Vicki Greene, Commissioner	

Chairman Debnam called the meeting to order.

EMPLOYEE RECOGNITION: Chairman Debnam presented Certificates to the following employees:

2013 Retirees:

Patsy Lovedahl, 38 yrs.
Jeff Carpenter, 30 yrs.
J. D. Davis, 30 yrs.
Helen Bryson, 22 yrs.
Sherry Gunnels, 17 yrs.
Brenda Jones, 16 yrs.

Longevity:

Teresa Carpenter, 35 yrs.
Jane McClure, 30 yrs.
Chip Hall, 25 yrs.
Chuck Norris, 25 yrs.
Keith Webb, 25 yrs.
Sheila Adkins, 20 yrs.
Kathleen Bowers, 20 yrs.
Joanna Nicholson, 20 yrs.
Richard Wellmon, 20 yrs.

LIBRARIAN: Karen Wallace, Fontana Regional Library Director, introduced Tracy Fitzmaurice as the new Jackson County Librarian effective January 1, 2014. She invited everyone to an open house/reception to honor Librarian Dottie Brunette's retirement on December 11th from 2:00 – 4:00 at the Library Community Room.

MILITARY: Chairman Debnam recognized Katlin Cody, daughter of Commissioner Cody, who is enlisting in the United States Air Force this afternoon. She was commended for volunteering to serve.

AGENDA: Chairman Debnam amended the Agenda by adding a Solid Waste Equipment Resolution and Closed Session G. S. 143-318.11(a)(3) Legal. Commissioner Elders moved to approve the amended Agenda. Commissioner Greene seconded the Motion. Motion carried.

MINUTES: Commissioner Greene moved to approve the Minutes of a Work Session, Public Hearing and Regular Meeting of November 18, 2013. Commissioner Jones seconded the Motion. Motion carried.

(1) COMMISSIONER REPORT: Commissioner Jones reported that Chairman Debnam and he attended a meeting in Cashiers last week and were presented the “Cashiers Historical Society Village Heritage Award” which honors the Commissioners for their dedicated work in finalizing the Cashiers/Glenville Recreation Center project. The plaque will be displayed at the recreation center. This is a very prestigious award which is normally given to a historical building but was awarded to the Commissioners because of the positive energy the recreation center gives to the community.

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

(a) Unemployment Rates: The State’s unemployment rate for October was 8.0% down from 8.3% in September. Information about local county unemployment rates for the same period will not be available until December 5, 2013 as the rates for September and October had to be recalculated as the result of the federal shutdown. Jackson’s rate was 7.2% in August while the state’s rate was 8.7% so he is cautiously optimistic that the local rate has maintained the August rate of 7.2% or may reflect a slight decline.

(b) Cooperative Extension Listening Tour: He attended the western session at Bryson City on November 21st. Since 2000, the Cooperative Extension Service has realized \$20 million in budget reductions with \$13.7 million coming in the last four years. Over this same time, they have eliminated 90 positions. For the most part, positions were eliminated as retirements took place and vacant positions from current retirements have not been refilled. Jackson County has experienced this situation as Cheryl Beck retired more than a year ago and that position remains vacant. Cooperative Extensions is seeking information from their users concerning the programs that are working as well as the opportunities for realignment or the possible elimination of non-productive programs. The concern expressed by the majority of those in attendance was this is another loss for rural counties in North Carolina which are dependent on the services provided by the agents and the research being conducted at NC State University. The Cooperative Extension Service is a component part of NC State; therefore, when the University system experiences budget reductions then Cooperative Extensions is also called upon for budget reductions. The information gathered at these meetings will be used to update the Extension strategic plan that will guide future investments in staff and other related programs.

(c) Internet Providers: Local internet providers have been invited to a meeting on December 5th to share the results of the survey that was conducted several months ago. This survey identified citizens throughout the county that were underserved or did not have access to high speed internet services. Hopefully, the identification of 200+ customers who expressed an interest in this topic will serve as the basis for additional investments in the last mile internet service.

(d) Transit and Board of Elections Relocation: The Transit Office is currently in the process of relocating to Dillsboro in the facility which previously housed the maintenance offices. The space has been renovated and the engineer is completing drainage and site improvement plans for the parking lot which will be bid in the first quarter of 2014. He will be meeting with the Board of Elections on December 4th to tour the space they will accommodate at the Skyland Dr. Services Center. As part of that relocation, they have requested a large meeting room that can be utilized for training temporary staff that work the polls, serve as an early voting/polling location for the area precinct that formerly used the large room in the Community Services Center. This room could be available for other public meetings when not in use by the Board of Elections. Plans are to relocate the election staff in early 2014 and have the room completed for 2014 primary activities. He will be requesting funds to complete these projects at the first meeting in January 2014.

(e) Justice Center Needs Assessment: The surveys have been distributed to the identified parties and the responses to these surveys will be compiled by the designer. The on-site meetings between the designer and the building occupants will take place during the period of January 14-17, 2014.

(f) 2014 Planning Retreat: The annual planning retreat will be held on Tuesday, January 21st at the North Carolina Center for the Advancement of Teaching. The retreat will begin at 9:00 am and finish by 4:00 pm. The second meeting of the Commissioners for January is scheduled following the retreat at 6:00 pm in the Justice Center.

(g) Christmas Holidays: The County will observe December 24th, 25th and 26th as Christmas holidays and the offices will be closed during those days.

(3) AUDIT REPORT FOR FISCAL YEAR ENDING 6/30/13: Mitch Crisp of Dixon Hughes PPLC presented a summary of the audit report for the fiscal year ending June 30, 2013. The audit reflects general fund revenues exceeded expenditures before transfer to other funds. After transfers, the general fund balance increased approximately \$1,355,000. The unreserved fund balance available for appropriations of approximately \$19 million represents approximately 35% of general fund expenditures which compares favorably with similar size counties reporting an average of approximately 27% in recent years. The report contains an unqualified opinion and the county is in compliance with all federal and state program requirements. The property tax collection was 95.89% compared to 95.79% the year before.

***Motion:** Commissioner Jones moved to accept the audit report. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(4) CHRIST ANGLICAN CHURCH – LATE FILING TAX EXEMPTION: Fr. Jim Murphy, Rector stated his purpose in appearing before the Board is to appeal for relief from the late filing for a tax exemption. The church purchased the property in September 2012 and began renovations in November and secured a certificate of occupancy in April 2013. In May, while working at the church property, he noticed a person, who happened to be Bobby McMahan, Tax Assessor, measuring the buildings. During their conversation he expressed his belief that all churches were automatically granted an exemption. He was informed by Mr. McMahan that “church property is exempt if they file for an exemption on time” and it was then he learned about the filing requirement and the deadline of January 31st. Within a week, the church filed an exemption application. The church subsequently received an 2013 tax bill. He stated the church has been a benefit to the community and serves people from Bryson City, Cullowhee, Toxaway, Cashiers, and other communities. The church provides a food ministry that has benefitted many county residents. During the summer the church hosts a tailgate farmer’s market for locally grown produce. The church offers definite benefits and is the theoretical reason for tax exemption based on charitable purposes. He requested tax relief for Christ Anglican Church for 2013.

Bobby McMahan, Tax Assessor, stated he visited the church site. He provided a detailed summarization of the issue including copies of applicable general statutes. The decision to deny the late filing for 2013 was based upon what the general statutes state which is that regardless of who owns the property and what the property is used for, an application must be timely filed. There are only two instances that do not require an application: a government amenity and a cemetery. The statute is very clear when the application is to be filed which is the month of January (every year). The full month of January is the listing period and if a property owner fails to do so, then they must provide a reason for good cause; however, the statute does not specifically define “good cause”. In this case no such information was presented to the Tax Office. His office did not receive the application until May 28 or 29 which was past the January deadline pursuant to the statutes. The application was not denied, but was just accepted for 2014.

Commissioner Jones stated that since he lives in Cashiers, he can attest to the time and on-going construction of the facility and is aware of the church’s generosity to the community. The church has been acting and doing as a tax exempt entity should.

***Motion:** Commissioner Jones moved to grant the request. Commissioner Cody seconded the Motion. Motion carried by a vote of 4 – 1 with Chairman Debnam voting “nay”.*

(5) TOWN OF SYLVA – INTERLOCAL AGREEMENT AMENDMENT: Mr. Coward presented amendments to the December 8, 2008 Interlocal Agreement with the Town of Sylva as follows:

1. *“All termination provisions of the Agreement are hereby suspended and tolled until further written agreement between the County and the Town.*
2. *In the future, in reliance on the opinion of the County Permitting and Code enforcement Department (formerly known as the Building Inspection Department) that any property in the Town that is non-compliant with any ordinances described or referenced herein, the Town shall notify the property owner of the violation and shall describe the remedial measure to be taken by the property owner or the enforcement measure to be taken by the Town for failure thereof.”*

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

(6) COUNTY ATTORNEY CONTRACT: Mr. Wooten presented a County Attorney Contract for the period of December 2, 2013 – December 2, 2014 payable at the rate of \$200.00 per hour.

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

(Commissioner Cody was excused)

(7) LANDFILL IMPROVEMENTS - DEVERE CONSTRUCTION CONTRACT: Mr. Coward presented a Contract for Devere Construction Co. to haul, place and compact dirt material at the closed landfill. The landfill improvements are to be completed on or before December 31, 2015. A performance bond was recommended.

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

(8) SOLID WASTE EQUIPMENT RESOLUTION (R13-29): Darlene Fox, Finance Director, stated the resolution is in support of a lease for a 2013 Volvo L60G Wheel Loader to replace a 5-year old loader that is at the end of its lease period. The monthly lease cost is \$1,918.88 and the annual finance rate is 3.04% for a 60 month lease. The equipment is on state contract and therefore does not require formal bidding. Lease payments are included in the current Solid Waste Fund. The lease contract is dated December 4, 2013.

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

(9) COMMUNITY ADVISORY COMMITTEE FOR LONG TERM CARE:

Motion: *Commissioner Greene moved to appoint Angelina Fisher to fill the unexpired term of Gail Revis on the Community Advisory Committee for Long Term Care. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(10) TOURISM DEVELOPMENT AUTHORITY:

Motion: *Commissioner Greene moved to reappoint Merrily Teasley, Cherie Bowers and Alex Bell, and appoint Ashley Faulkner and Deborah Watson, all for 3-year terms on the TDA Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(11) TOURISM DEVELOPMENT AUTHORITY CHAIRMAN:

Motion: *Commissioner Greene moved to appoint Robert Jumper for a 1-year term as Chairman of the TDA Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(12) GREENWAYS ADVISORY COMMITTEE: Carry Over

(12) AIRPORT AUTHORITY:

Motion: *Commissioner Jones moved to reappoint Doug Cody and Jason Kimenker to 6-year terms and appointed Jim Rowell to fill the unexpired term of Mike Schoonover on the Airport Authority. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

Public Comments:

(a) Dick Darnell of Cashiers stated his recommendations concerning the Whittier sewer and railroad issues.

(b) Marie Leatherwood of Sylva stated her exception to the media's report concerning her comments about GSMR at the last board meeting.

Press Conference

CLOSED SESSION:

Motion: *Chairman Debnam moved that the Board go into closed session pursuant to G.S. 143-318.11(a)(5) 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 except approval of the Closed Session Minutes of November 4, 2013.

There being no further business, Commissioner Greene moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 3:45 pm.

Attest:

Approved:

Patsy C. Parris, Clerk to Board

W. J. Debnam, Chairman