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Posted By: Evelyn Baker
Witness: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 2, 2006**

The Jackson County Board of Commissioners met in Regular Session on October 2, 2006, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Roberta Crawford, Vice Chair
Joe Cowan, Commissioner
Conrad Burrell, Commissioner
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board
Absent: Eddie Madden, Commissioner

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan added Rolling Meadows Lawsuit Settlement. Commissioner Burrell moved to approve the amended Agenda. Commissioner Cowan seconded the Motion. Motion carried.

MINUTES: Commissioner Crawford moved to approve the Minutes of the Regular Meeting of September 18, 2006. Commissioner Burrell seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: None.

(1) FINANCE & TAX COLLECTOR REPORTS FOR AUGUST 2006:
Carry over.

(2) BUDGET AMENDMENTS: Carry over.

(3) CHAIRMAN'S REPORT: Chairman McMahan stated:

- (a) The Green Energy Park open house is scheduled on October 6, 3:00-5:00 pm.
- (b) A joint meeting with the municipalities is scheduled on October 10, 6:00 pm.
- (c) The NCACC has scheduled a work session and board meeting in Asheville on October 13 & 14.
- (d) The grand opening for the renovated Cashiers Library is scheduled on October 14th, 11:00 am.
- (e) On behalf of the Blue Ridge Rangers baseball team, the Board was presented an autographed game ball and hat in appreciation of its donation. The team finished 6th place in the nation.

(4) COMMISSIONERS REPORT: None.

(5) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported that he was notified earlier today that Handmade in America has made a \$70,000.00 contribution to the Green Energy Park in furtherance of the activities that are planned for the artisans at the park. He requested that the solid waste hauling contract bids be added to the October 16th Agenda.

(6) KUDZU PLAYERS LEASE: Mr. Westmoreland stated that the Kudzu Players requested that they be given a month-to-month lease for space in the Historic Courthouse. They anticipate moving to a new facility in Dillsboro when it is completed in approximately two years. The elevator installation should be completed by the end of October. He presented a breakdown of all costs associated with keeping the building functional which average \$500 per month. For the past ten years, the Kudzu Players have been paying the county \$125.00 per month. Commissioner Crawford recommended a month-to-month lease. Commissioner Burrell recommended, after the Kudzu Players vacate the building, that the courtroom be restored to its original condition including the original furniture and it is possible that the courtroom could be used by the courts if it is restored. Commissioner Crawford and Mr. Westmoreland stated they had been informed that the original furniture had been "thrown out the window and hauled to the dump". Commissioner Cowan suggested that the Kudzu Players be required to check out the heat in advance and call the maintenance department if it is not working properly. Chairman McMahan recommended that a revised lease specifying that the Kudzu Players cannot make any structural changes be submitted at the next Board meeting.

(7) REACH: Mike Bonfoey, 30th Judicial District Attorney, stated that his office works closely with REACH. Even though REACH is a private entity, the work that it does is public work. In wake of the recent tragedy at the safe house, he requested the Board to consider the following:

- (a) Make funds available to REACH to improve the security doors, locks and security cameras. Matching funds may be available from the Governor's Crime Commission.
- (b) Make a safe and secure room available in the Justice Center for a witness or victim to use while waiting to appear in court.
- (c) That the Board adopt a Resolution in support of Amendments to N.C.G.S. 15A- 2000(e) as follows:

"The capital felony was committed against a person that sought and was given relief by a valid protective order entered pursuant to Chapter 50B of the North Carolina General Statutes, a person that is a temporary resident and has sought the safety of a domestic violence shelter or a person that is an employee or volunteer of a domestic violence shelter".

"To make trespassing upon the grounds of a domestic violence shelter a felony if the trespasser has been ordered by a valid protective order to stay away from and have no contact with a protected person that is a temporary resident of a domestic violence shelter when the trespass occurs."

Jean Bockstahler, REACH Executive Director, stated that they are devastated by the recent murder of a victim at the shelter. As a result of the publicity, they have received letters and money from people throughout the country. She stated that security at the shelter must be tripled. She stated the present annual budget is approximately \$800,000.00. The state appropriates \$47,000; other contributions and fundraising activities raise approximately \$30,000; the Thrift Store brings in about \$15,000; and the county appropriates \$50,000. However, REACH is operating at a deficit. She stated that

her comprehensive study reflects the cost for making the shelter more secure is approximately \$40,000 and requested that the county allocate funds for this purpose. She also stated that the Governor's Crime Commission will assist; however, matching local funds must be made available.

Mr. Westmoreland stated that the county previously appropriated \$15,000 to REACH; however, the appropriation was raised to \$50,000 per year for the past two years.

(8) WORK FIRST PLAN: Bob Cochran, DSS Director, presented an overview of the proposed Work First Plan. He stated that the biggest difference in the plan from previous years is that a job coach is no longer available. He stated that the past year the state goal for moving families from welfare to work was 17; Jackson County achieved 37 which is 218% of the state goal. The family search through the Benefit Diversion program helps someone with three months of benefits. The state goal was 37; Jackson County achieved 77 which is 208% of the goal. The families remaining off the First Work Family Assistance program after receiving services is 88% in Jackson County.

At the request of Mr. Cochran, Chairman McMahan suspended the rules and Commissioner Crawford moved to approve the Work First Plan. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(9) WHITTIER SANITARY DISTRICT RESOLUTION (R06-22): Chairman McMahan stated that the Whittier Sanitary District and several individuals, through a collaborative effort, put together a plan to construct a sewer system in an "unsewered" community. The N. C. Rural Center received monies from a bond fund to help provide clean water in North Carolina, and help "unsewered" communities clean up rivers and water sources. The Whittier Sanitary District was successful in receiving a \$3 million grant from the N.C. Rural Center. In addition there were contributions from the Appalachian Regional Commission, Jackson County, Eastern Band of Cherokee Indians, and Southwestern Planning Commission. Because of several environmental and archeological issues, the project was delayed. Several other factors, such as pump stations, increased the cost of the project. The capital budget deficit was then approximately \$700,000. Thus, the group was tasked with trying to come with those funds to get the project moving. In addition and pursuant to the terms of the grant, funds were needed to keep the project operating in the black for several years and would be supplemented in operation costs.

The Whittier Church of God has plans to expand its campus by building dormitories, meeting rooms and classrooms; however, it needs a sewer system to serve the campus. Jackson County's perspective in trying to get the project going was for the benefit of Smokey Mountain Elementary School which could be serviced by this system.

The Church of God has voted with the intent of committing \$260,000 towards the capital side of the project. The Eastern Band of Cherokee Indians has voted with the intent to contribute \$260,000 towards capital plus subsidize operations costs up to \$100,000 each year for a set number of years. Jackson County was requested to consider contributing \$260,000 towards the capital.

McGill & Associates opened the bids last Thursday. Mr. Westmoreland reported that the bid was broken down into two components - one for construction of the wastewater treatment facility and the other for the collection system. There were three bids for each component. However, in the aggregate with the collection as well as the wastewater treatment facility, the bids came in at \$1.6 million over budget as opposed to the projected \$700,000. McGill & Associates are trying to determine if there are any elements of the treatment plant or collection system that can be staged or done at a later date in order to keep the project active. After McGill & Associates determines the bare essentials for the project, the participating entities will reconvene, discuss the project and shared costs. There is no possibility of further funding from the N. C. Rural Center or any other state or federal agency.

Chairman McMahan stated that representatives from the Rural Center will meet with the group on Thursday of this week and discuss what must be done and if the project can be staged. Jackson County's commitment for allocating public funds towards the sewer system is that it impacts Smokey Mountain Elementary School. He will update the Board at the October 16th meeting.

(10) GREEN ENERGY PARK ROAD RESOLUTION (R06-20): Timm Muth requested at the last meeting that the Board authorize the abandonment of Green Energy Park Road (formerly Landfill Road). A steel gate would be installed at the entrance from Haywood Road to increase security and help protect the gas system, ongoing construction, equipment and supplies. If the road is abandoned, the county would be required to assume maintenance of the road.

(11) JACKSON COUNTY CEMETERY BOARD: Chairman McMahan recommended that Rev. Robert Blanton be appointed as a representative of the Historical Society to fill Joe Rhinehart's unexpired term. Because this issue has been carried over several times, Chairman McMahan suspended the rules and Commissioner Crawford moved to appoint Rev. Robert Blanton to the Jackson County Cemetery Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

LOVE CEMETERY: Attorney Holt stated that he had contacted the state Cemetery Board and learned there is no legal definition for an "abandoned cemetery"; however, the state board is working on some definitions to present to the legislature. He advised that the county should not execute a quitclaim deed for the cemetery property because the county does not own it. He stated that if the cemetery society desires, it can clean up Love Cemetery.

(12) AIRPORT AUTHORITY BOARD APPOINTMENTS: By a letter dated September 20, 2006 from Eldridge Painter, Vice Chair of the Airport Authority, the names of Greg Hall and Alston Macon were submitted to fill one of the two vacancies on the Airport Authority Board. Because Mr. Hall's original term has expired, Chairman McMahan suspended the rules and Commissioner Burrell moved to re-appoint Greg Hall to a 6-year term on the Airport Authority Board. Commissioner Cowan seconded the Motion. Mr. Hall will need to take the Oath of Office immediately. Motion carried by unanimous vote.

(13) **COUNCIL ON AGING APPOINTMENT**: The Council on Aging Board recommended that Becky Middleton, Carol Austin and Rhonda Monteith be appointed.

(14) **NURSING & REST HOME ADVISORY COMMITTEE**: No recommendation was submitted.

(15) **CASHIERS AREA PLANNING COUNCIL**: Charlie Ward, Pat Nardy and Jeff Zahner have agreed to continue to serve if reappointed. The Board also needs to make an appointment to fill an at-large alternate vacancy.

(16) **CASHIERS DESIGN REVIEW BOARD**: Sharon Holt has agreed to continue to serve if reappointed. Commissioners Madden and Crawford need to make recommendations for two other vacancies.

(17) **GREENWAY COMMISSION**: Commissioner Cowan has volunteered to fill one of the two vacancies.

(18) **ROLLING MEADOWS LAWSUIT SETTLEMENT**: Attorney Holt reported that the plaintiff has agreed to settle the lawsuit against the county for the sum of \$3,000.00 and the county move its communications tower, building and radio equipment off plaintiff's property. Chairman McMahan suspended the rules and Commissioner Cowan moved to approve the settlement. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Burrell moved that the meeting be adjourned. Commissioner Crawford seconded the Motion. Motion carried and the meeting adjourned at 7:15 p.m.

Attested By:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman

