

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
NOVEMBER 20, 2006**

The Jackson County Board of Commissioners met in Regular Session on November 20, 2006, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chairman McMahan called the meeting to order and reminded the Board that action will be taken during the meeting since it is the only meeting in November.

AGENDA: Chairman McMahan added Cashiers Valley Preschool Access Road. Commissioner Cowan moved to approve the amended Agenda. Commissioner Burrell seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Regular Meeting of October 16, 2006. Commissioner Burrell seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: Alvin Frady, on behalf of the Jackson County Cemetery Board, expressed appreciation for the county's continued support. Irene Hooper of Cullowhee requested that the Board urge Mediacom and Sinclair Broadcasting to negotiate a contract so that Channel WLOS can continue to be broadcast in the county.

(1) FINANCE & TAX COLLECTOR REPORTS FOR OCTOBER 2006:

Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 12,017,650.40</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 13,651,745.30</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 7,572,937.98</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 244,051.54</u>
<u>Sales & Use Tax for August 2006</u>	<u>\$ 1,155,855.09</u>
<u>Landfill Disposal Fees</u>	<u>\$ 363,097.87</u>
<u>Contingency Balance</u>	<u>\$ 83,742.00</u>

(2) BUDGET AMENDMENTS:

<u>Sheriff's Office</u>	<u>\$</u>	<u>16,367.00</u>
<u>General Fund (NC Governor's Hwy Safety Grant)</u>	<u>\$</u>	<u>10,000.00</u>
<u>General Fund (NC Governor's Hwy Safety Grant)</u>	<u>\$</u>	<u>151,610.00</u>
<u>Capital Outlay (phone system,tax assessment ofc)</u>	<u>\$</u>	<u>16,800.00</u>
<u>Capital Projects Webster Complex, Cullowhee Rec Ctr</u>	<u>\$</u>	<u>2,112,200.00</u>
<u>Capital Projects Fund</u>	<u>\$</u>	<u>1,200,000.00</u>
<u>Capital Reserve Fund</u>	<u>\$</u>	<u>20,000.00</u>

(3) CAPITAL PROJECT ORDINANCE: The project authorized is the Cullowhee Recreation Center Renovation Project. \$1,132,200 has been appropriated and \$1,132,200 revenues are anticipated to be available to complete the project.

Commissioner Burrell moved to approve the Finance and Tax Collector's reports for the month of October, Budget Amendments and Capital Project Ordinance. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(4) CHAIRMAN'S REPORT: Chairman McMahan reported:

- (a) He and Chuck Norris, Transit Director, and others have been participating in the regional transportation study meetings.
- (b) On November 16th he attended the Criminal Justice & Emergency Services Steering Committee in Raleigh. The issue of illegal immigrants will be discussed at the next meeting.
- (c) The Balsam Fire Dept. will be holding its third annual Christmas Bazaar November 24 – 26 with all proceeds going to the fire department.
- (d) The Sylva Christmas Parade is November 28th at 7:00 pm.
- (e) The final meeting of the present board is December 4th at 5:30 pm.
- (f) The Swearing-In Ceremony for the new Board is December 4th 6:00 pm, Courtroom One, followed by a reception.
- (g) The Organizational Meeting of the new Board is December 4th 7:00 pm, Commissioners Boardroom.

(5) COMMISSIONERS REPORT: Commissioner Cowan reported that he attended a symposium entitled "A Summit on resolving the Energy Crisis" at WCU on November 15th. Jackson County was mentioned several times as being in the forefront because of the energy project at the Green Energy Park.

(6) COUNTY MANAGER'S REPORT: None.

(7) PLANNING DEPT. REPORT: Linda Cable, Planning Coordinator, submitted a written report which reflects that during the months of September and October, 15 erosion control permits were approved and 11 are under review. Two Cashiers sign permits were approved and six cell tower permits are under review. A Quarterly Building Permit report was also submitted.

(8) KUDZU PLAYERS LEASE: Mr. Westmoreland stated that he had discussed the revisions with representatives of Kudzu Players, Inc. and they are in agreement. The new Lease is for a period of one year and will expire on June 30, 2007 with a monthly rental of \$350.00. The rent offsets approximately two-thirds of the annual costs for keeping the facility open. Commissioner Madden moved to approve the Lease. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(9) WHITTIER SANITARY DISTRICT RESOLUTION R06-25: Chairman McMahan stated that the cost for the wastewater system is \$5,616,390. Project funding to date is:

NC Rural Center Grant	\$3,000,000
Appalachian Regional Commission Grant	\$ 200,000
USDA-RBEG Grant	\$ 99,000
Cherokee Preservation Foundation	\$ 45,000
Eastern Band of Cherokee Indians	\$ 160,000
Jackson County	\$ 44,000
Southwestern Commission	\$ 1,000
Additional Funding:	
Eastern Band of Cherokee Indians	\$ 260,000
Jackson County	\$ 260,000
Church of God	\$ 260,000
	\$4,329,000

The NC Rural Center contributed an additional \$200,000 conditioned upon the Whittier Sanitary District: (a) adopting a resolution for mandatory sewer hook-ups for properties with failing septic systems; (b) divide the deficit three ways (Jackson County, EBCI, Church of God); (c) \$179,163 each plus the previously approved \$260,000. The additional allocation from Jackson County would not be appropriated until the next budget year. The NC Rural Center grant also stipulated that the low bid be awarded before the end of December 2006 and it is anticipated that the project should be completed in approximately 18 months. The EBCI has also agreed to allocate an additional \$100,000 per year to supplement the operating costs. The only reason the county is participating in the project is for the benefit of Smokey Mountain Elementary School.

The Resolution states that Jackson County commits to fund an amount not to exceed \$406,000 (this amount includes the \$260,000 previously allocated). The ECBI has adopted a similar resolution and the Church of God Executive Council approved a letter of resolution. Jackson County’s funding does not include a connection fee for the Smokey Mountain Elementary School.

Commissioner Madden recommended that the Resolution be changed by striking from the fourth paragraph “*one third (1/3) of the capital improvement deficit of the above described project for*”. Commissioner Burrell moved to adopt the amended Resolution. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(10) AUDIT REPORT for FISCAL YEAR ENDING 6/30/06: Mitch Crisp of Dixon Hughes PPLC presented a summary of the audit report for fiscal year ending June 30, 2006. He stated the report contains an unqualified opinion and the county is in compliance with all federal and state program requirements, *Government Auditing Standards*, OMB Circular A-133, and the State Single Audit Implementation Act relating to major programs. The fund balance is well above the state average for other comparable counties. The tax collection rate was 97%. Commissioner Madden moved to accept the audit report. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(11) MUNICIPAL GRANT APPLICATIONS: Applications were submitted from the Town of Dillsboro, Town of Sylva, Village of Forest Hills, and the Village Conservancy, Inc. Award(s) will be made at the December 4th Regular Meeting.

(12) JUVENILE CRIME PREVENTION COUNCIL: Capt. Steve Lillard, presented By-Laws and a revised Membership List for Board approval. Commissioner Burrell moved to approve the By-Laws and Membership List. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(13) REACH, INC. REQUEST FOR ADDITIONAL FUNDING: Mr. Westmoreland stated that REACH submitted supplemental information reducing its request from \$40,000 to \$18,000 for security improvements to the REACH Shelter. Commissioner Madden moved to allocate \$18,000 from the contingency fund to REACH, Inc. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(14) SOUTHWESTERN COMMUNITY COLLEGE BUDGET REVISION: SCC has requested that \$200,000 be transferred, pursuant to the approval of its Board of Trustees, from capital outlay to the current operating budget. Commissioner Cowan moved to approve the request. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(15) DISPOSAL OF SURPLUS EQUIPMENT: Darlene Fox, Finance Director, requested that the following vehicles be declared surplus and authorized for sale:

- 2000 Ford Crown Victoria (Sheriff's Dept.)
- 1999 Ford Crown Victoria (2)(Sheriff's Dept.)
- 1998 Dodge Van (Administration)
- 1997 Dodge Van (Administration)
- 1997 Jeep Cherokee (Bldg. Inspections)
- 1989 Chev AM - transfer from Sheriff Dept. to Jackson County Rescue Squad

Commissioner Cowan moved to declare the equipment surplus and authorized for sale. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(16) CHAF GRANT QUARTERLY REPORT (July-September 2006): Joan Stillwell, Community Development Director, reported that two homes (Sylva and Cullowhee) remain on the list for replacement and one in Cashiers for repairs. On November 16th she and Mr. Westmoreland met with Sue Preston, Assistant Director of Redevelopment, and Jewel Wilson, Director of Western N. C. Redevelopment Center, and resolved some construction issues.

(17) SCATTERED SITE HOUSING PROGRAM QUARTERLY REPORT (July-September 2006): Joan Stillwell, Community Development Director, reported that the C1 - \$400,000 Grant will include two rehabilitation projects and three relocation projects. The work in progress includes advertising for risk assessment, advertising for rehabilitation specialist, receiving title opinions on properties, and scheduling risk assessment on properties. There have been no problems or delays and no expenditures.

(18) CASHIERS VALLEY PRESCHOOL TEMPORARY ACCESS EASEMENT:

Mr. Westmoreland stated that the Cashiers Valley Preschool has requested a temporary access easement adjacent to the SCC-Cashiers Campus and behind the library. Attorney Holt recommended a centerline survey before drafting an easement. Commissioner Madden stated that the school will pay for the survey. The Board directed Mr. Westmoreland to work with SCC and the school to determine a suitable location for a driveway for the exclusive use of the Cashiers Valley Preschool and obtain a survey. This will be a temporary easement only and when the school relocates, the easement will terminate. Further, the document will contain a clause that the county will retain the right to revoke the easement at any time. Commissioner Madden moved to grant the Cashiers Valley Preschool temporary use of the present road bed pending the completion of a centerline survey and written Easement. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(19) RESOLUTION R06-22 -COMMUNITY TRANSPORTATION PROGRAM:

Chuck Norris, Transit Director, submitted documentation reflecting that the grant application is applied for each year and provides substantial administrative and capital assistance to the county's transportation program. The total amount is \$169,280 with a local match of \$25,022. Commissioner Burrell moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(20) RESOLUTION R06-23 - SMOKEY MOUNTAIN ELEMENTARY SCHOOL – TRAFFIC SIGNAL: Because of the many accidents that have occurred at the entrance to the school a traffic signal is needed. Commissioner Cowan moved to adopt the Resolution. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(21) RESOLUTION R06-24- MEDIACOM CABLEVISION – WLOS: It has come to the attention of the Board that Mediacom and Sinclair Broadcasting (owner of WLOS) have been unsuccessful in negotiating a contract. WLOS is the only local source for emergency warnings, weather, school closings, etc. for a large portion of the county and is listed as the primary means of emergency notification in Jackson County's Emergency Operation Plan. Commissioner Burrell moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(22) RESOLUTION R06-26-LACY H. THORNBURG HIGHWAY: Commissioner Burrell introduced a Resolution to name a portion of Highway 23/74 (from the Haywood/Jackson County line at Balsam to the Jake Parris, Jr. Memorial Bridge) the "Lacy H. Thornburg Highway" in honor of Judge Thornburg's distinguished service to Jackson County. Commissioner Cowan moved to adopt the Resolution. Commissioner Madden seconded the Motion. Motion carried by unanimous vote.

(23) JACKSON COUNTY CEMETERY BOARD APPOINTMENT: Carry over.

(24) CASHIERS PLANNING COUNCIL APPOINTMENTS: Commissioner Burrell moved to re-appoint Charlie Ward, Pat Nardy and Jeff Zahner and appoint Wendy Dowden as an alternate on the Cashiers Planning Council, all to serve 3-year terms. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(25) CASHIERS DESIGN REVIEW BOARD APPOINTMENTS: Commissioner Madden moved to re-appoint Sharon Holt and appoint John Sullivan to 3-year terms on the Cashiers Planning Design Review Board. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(26) TWSA BOARD OF DIRECTORS: Commissioner Cowan moved to re-appoint Randall Turpin to a 3-year term on the TWSA Board of Directors. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

There being no further business, Commissioner Burrell moved that the meeting be adjourned. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 7:40 p.m.

Attested By:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman

