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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
FEBRUARY 21, 2011**

The Jackson County Board of Commissioners met in a Regular Session on February 21, 2011 at 6:00 pm, Justice & Administration Building, 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Chuck Wooten, Interim County Manager
Pat Parris, Assist Clerk
J. K. Coward, County Attorney
Absent: Evelyn Baker, Clerk to Board
Joe Cowan, Commissioner

Chairman Debnam called the meeting to order.

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

MINUTES: Commissioner Cody moved to approve the Minutes of the Public Hearing of February 7, 2011. Commissioner Elders seconded the Motion. Motion carried. Commissioner Jones moved to approve the Minutes of the Regular Meeting of February 7, 2011. Commissioner Elders seconded the Motion. Motion carried.

(1) COMMISSIONER REPORTS: Charles Elders reported a Mountain Projects presentation should be available within the near future.

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

- (a) **Transportation Projects:** Goal is to generate the top 6 projects within the next 6 to 8 weeks.
- (b) **East Carolina Dental Clinic:** The consultant assisting ECU with on site evaluations reports things are moving forward and the county should receive a proposal from ECU within the next 30 days.
- (c) **Community Development Block Grant Economic Recovery (CDBG-ER):** Governor Perdue announced that Jackson County is the recipient of a \$500,000 grant to support the scattered housing program. In addition to these funds, Jackson County has been awarded \$216,088 from the NC Division of Community Assistance to be used in the same manner.
- (d) **Rents:** Past due rents have been discussed with each tenant. The result is the county should move forward with the next step of the collection process. None of the following tenants have taken any action to resolve past due debts:
 - (i) **QC Apparel:** Mr. Wooten recommended the county take action to immediately void the July 2010 lease agreement and enter into a month to month lease with Homtex at the rate of \$1.00/sf as was included in the 2010 QC Apparel lease. Furthermore, begin negotiations with Homtex for a longer term lease and include more square.

(ii) **Stanton and Stanton:** Mr. Wooten recommended the county take the next step in the collection process and confirm the previous action of the 2010 Board of Commissioners and demand Stanton and Stanton vacate the Tuckasee Mills building.

(iii) **Clearwood:** Mr. Wooten and the county attorney will schedule a conference call with company representatives to express concerns with their actions of removing materials from the building. Clearwood is no longer an active company and is taking actions to vacate the property.

(e) **Food Provider for Detention and Senior Centers:** It appears the county may wish to consider some negotiation on the fixed expenses incurred for the months of July and August 2010 during which period meals were not purchased. B & Al's purchased food and hired staff for a July 1 start up date; however, there was an overlap with the previous vendor. B & Al's is requesting a credit for all or a portion of costs totaling \$15,456.28. A recommendation will be made at the March 7th meeting.

(f) **AEDs and County Signs:** Plans are moving forward to obtain AEDs (automated external defibrillators) for the Justice Center and evaluating other county buildings as well. In addition to acquiring AEDs, offer a first aid class with the goal of having at least one person in each department certified in CPR. The maintenance director is also surveying county signs. A proto-type sign is available and the department will replace signs that are worn or obsolete.

(g) **FY2010-11 Budget Reductions:** Department Heads have submitted budget reductions for the current year totaling almost \$500,000. Mr. Wooten and the Finance Director will be meeting with Department Heads on February 23rd to deliver budget packets for the FY2011-12 budget year.

(h) **Governor's Budget:** Governor Purdue has released her proposed budget for FY2011-12. The budget, as submitted to the Legislature, does negatively impact local governments in a number of different areas. Estimates from the North Carolina Association of County Commissioners suggest that the Governor's budget will result in \$345 million in statewide county reductions.

***Motion:** Commissioner Elders moved to authorize the county manager to work with the county attorney in moving forward in the process of collection of delinquent rents. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(3) **CONSENT AGENDA:** Darlene Fox, Finance Director, presented the finance and tax collector's reports for the month of January 2011 and one budget amendment.

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

(4) **GREAT SMOKY MOUNTAINS RAILWAY:** Allen Harper, owner of American Heritage Family Parks which owns GSMR, stated he finalized the purchase of a Swiss Steam Locomotive and Train set in December, 2010. The locomotive and passenger coaches are winterized and in storage in Belfast, Maine.

The commitment to preserve history and restore steam locomotives remains very strong and working together, the steam engine revitalization could make a positive economic impact on Dillsboro, Jackson County and Western North Carolina. GSMR wants to explore how it can relocate the locomotive which will create 15-20 new jobs in Dillsboro and committing to operating a steam engine with departures to and from Dillsboro. Even though headquarters will not move back to Dillsboro, it is a good business discussion to run a steam engine with first class service out of Dillsboro. A retail store combined with a ticket location facility will be located in Dillsboro. If all plans fall into place, the railroad could be operational in Dillsboro by mid-summer.

(5) TAX ASSESSOR - REVALUATION: Bobby McMahan, Tax Assessor, reported that in keeping with the 1999 action for a four-year revaluation cycle the county's next scheduled real property revaluation implementation date is January 1, 2012; however, to be in compliance with N.C.G.S. 105-286, the eight-year revaluation must be implemented no later than January 1, 2016. The tax office has collected preliminary data in relation to the current real estate market in preparation for the next revaluation cycle set to begin in January 2012. Using the preliminary data and a projected tax rate that would produce revenues equal to those produced during the current fiscal year, approximately 81% of taxpayers would experience a tax increase to some degree. Throughout North Carolina, over 20 counties have delayed property revaluations with several others considering the possibility. He stated but there are valid reasons for reconsidering the current four- year schedule and recommended that it would be in the best interest of the county to postpone the next real property revaluation until January 1, 2015 which is in compliance with the statutory eight-year requirement. With this postponement, it is anticipated a revived real estate market and an overall improvement in the economy will occur.

***Motion:** Commissioner Elders moved to authorize the County Attorney to draft a resolution for consideration at the next meeting delaying revaluation to 2015. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(6) COLLECTION OF DELINQUENT TAXES: Mr. Wooten stated he had been working with the Tax Collector to ascertain what can be done to collect delinquent taxes. The recommendations are:

(a) **Order of Collection (R11-06):** An Order of Collection authorizes, empowers and commands collection of taxes set forth in the tax records filed with the Tax Administration and deliver receipts to county. This Order of Collection must be reconsidered by the Board each year so the Tax Collector can take whatever steps are necessary to collect taxes. An Order of Collection has the same effect as a court judgment against the jurisdiction's taxpayers, meaning tax collectors may use collection remedies against personal property such as attachment and garnishment and levy without additional involvement by the courts.

(b) **Resolution Requiring Tax Certification Prior To Recording Deeds in Jackson County (R11-04):** N.C.G.S. 161.31 authorizes the county to require certification that no delinquent property taxes are due on real estate prior to recording a deed conveying real estate. The Register of Deeds shall not accept any deed transferring real property for registration unless the tax collector has certified that no delinquent ad valorem county taxes, ad valorem municipal taxes, or other taxes with which the tax collector is charged to collect or are a lien on the property described in the deed. In order to obtain the required certification, the person seeking certification shall provide the tax collector the names of the listing owners for each of the ten years preceding the date of the request in a form approved by the tax collector.

***Motion:** Commissioner Jones moved to approve an Order of Collection and adopt a Resolution Requiring Tax Certification Prior to Recording Deeds. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(7) COMMUNITY TRANSPORTATION PROGRAM RESOLUTION (R11-03): A Public Hearing was held at 5:45 p.m. on February 21 and no objections were made. The resolution is authorization to submit a grant application to the N. C. Dept. of Transportation.

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

(8) CAPITAL RESERVE RESOLUTION (R11-05) and PROJECT ORDINANCE AMENDMENT: Mr. Wooten stated the resolution is to authorize the increase of the library project by \$150,000 for completion of renovations at the Old Courthouse. Funds will be transferred from the Capital Reserve Fund to the Capital Projects Fund.

Motion: *Commissioner Jones moved to adopt the resolution and project ordinance amendment. Commissioner Cody seconded motion. Motion carried by unanimous vote.*

(9) JACKSON TRAVEL & TOURISM BOARD OF DIRECTORS: Three appointments are needed: two to fill the unexpired terms of Gene Early and Heather Menacof, and one to fill Cherie Bowers' expired term.

Motion: *Commissioner Jones moved to appoint Mickey Luker to fill the unexpired term of Gene Early and Laura Bowers to fill the unexpired term of Heather Menacof. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

Carry over the remaining vacancy.

(10) TUCKASEIGEE WATER & SEWER AUTHORITY:

Motion: *Commissioner Elders moved to appoint Tom Sawyer. Commissioner Cody seconded the Motion. The vote was 2 " yes" and 2 " nay". Carry over.*

(11) AIRPORT AUTHORITY: Mark Jones recommended Mike Schoonover, Commissioner Elders recommended Doug Cody and Commissioner Cody recommended Charles Elders.

Motion: *Commissioner Jones moved to appoint Mike Schoonover to fill the unexpired term of Brian McMahan and Doug Cody to fill the unexpired term of Tom Massie. Chairman Debnam seconded the motion. Motion carried by unanimous vote.*

(12) WATERSHED REVIEW BOARD: Carry over.

(13) WHITTIER SANITARY BOARD: Carry over.

INFORMAL COMMENTS BY PUBLIC:

- (a) Mary Barker, Southwestern Commission Area Agency on Aging presented information on boards and commissions the county is required to make appointments to. She requested to be placed on an agenda in the near future.
- (b) Marie Leatherwood, Sylva, reiterated her issues concerning the EDC/JDC and requested to be placed on an agenda in the near future.
- (c) Carl Iobst, Cullowhee, reiterated his support of the Green Energy Park.
- (d) T.J. Walker, Dillsboro, stated his support of the GSMR returning to Dillsboro.

PRESS CONFERENCE

CLOSED SESSION:

Motion: *Chairman Debnam moved that the Board go into closed session. pursuant to G. S. 143-318.11(a)(3) Legal and G. S. 143-318.11(a)(6)Personnel. 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 other than approval of closed session minutes.

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Cody seconded the Motion. Motion carried and the meeting adjourned at 9:05 p.m.

Attested By:

Approved:

Pat Parris, Assistant Clerk to Board

W. J. Debnam, Chairman