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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
APRIL 18, 2011**

The Jackson County Board of Commissioners met in a Regular Session on April 18, 2011, 6:00 pm, Justice & Administration Bldg., Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

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

Chuck Wooten, Interim County Manager
Evelyn Baker, Clerk to Board
J. K. Coward, County Attorney

Chairman Debnam called the meeting to order.

AGENDA: Chairman Debnam amended the Agenda by adding DOT Transportation Projects. Commissioner Elders moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Jones moved to approve the Minutes of the Public Hearing and Regular Meeting of April 4, 2011. Commissioner Elders seconded the Motion. Motion carried.

(1) **PROCLAMATION HONORING OLDER AMERICANS:** Chairman Debnam read a Proclamation honoring Older Americans.

Motion: *Commissioner Elders moved to proclaim May as Older Americans Month. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(2) **CHAIRMAN'S REPORT:** Chairman Debnam commended the emergency services people for their outstanding work during the last several storms.

(3) **COUNTY MANAGER REPORT:** Mr. Wooten reported:

(a) **General Assembly Update:** There are several bills of interest that would impact Jackson County.

1. **H472** would allow counties to provide public notices for meeting and public hearings from printed copy to electronic copy. The savings to Jackson County is estimated at \$5,000. There is opposition to the bill and it is uncertain whether this bill will pass.

2. **S433** allows counties the option to reorganize human service agencies (social services, health, and mental health) into a single division in the county. This reorganization has been available to counties with a population in excess of 425,000; however, this bill would offer the same opportunity to any county regardless of population. There is some opposition to this bill from DSS and Health boards and directors; however, it does appear this bill has a good chance of passing. If it should pass, then Jackson County would be wise to watch and see how other counties of similar size manage this reorganization opportunity.

3. **H642** requires defendants convicted of misdemeanors with an order of confinement of 6 months or less to serve that confinement in the local jail. He has discussed the issue with the Sheriff's Office and was informed it should not have a great impact on the county.

(b) **Room Occupancy Tax Resolution:** Representative Haire is working on the bill, but anticipates it will have good success in the General Assembly.

(c) **Update on State Budget:** The NCACC has provided a status summary of the budget following the release of proposed budget reductions by the NC House which are significant. There are still uncertainties about the impact to counties and he will continue monitoring the budget actions.

(d) **Internet Provider:** With the new fiscal year, Jackson County will be transferring internet access in the Justice Center from Verizon to BalsamWest. The change will not only be a cost reduction, but offers a significant increase in capacity.

(e) **Senator Kay Hagan's Visit to Jackson County:** Senator Hagan will be in Jackson County on Thursday, April 21st at the Southwestern Commission Office from 10:30 -11:30 am to meet with the general public.

(f) **County Statistics:** A "Facts & Statistics" list was provided. There are 15 townships and the county consists of 454 sq. miles. The county has \$39,805,910 in long term debts with annual debt service payments of \$6,785,533.

(g) **Real Property Tax Valuations:** An analysis by township was presented indicating the current real property valuation for each township. Two of the 15 townships (Cashiers, Hamburg) have the largest number of parcels and comprise 56.50% of the total tax base. In all likelihood, unless values go down on average, there will be some property owners who will see a decline in value, but an increase in tax if the county elects to remain revenue neutral. The upcoming revaluation is unique.

(h) **Tuckasegee Water and Sewer Authority:** The TWSA Board will meet on May 10, 5:30 pm at the Albert Carlton Library in Cashiers and will receive a report from its engineer about the possibilities of sewer expansion in the Cashiers area. The engineer's report will be utilized to evaluate the cost effectiveness of future expansion of sewer service in the Cashiers area.

(i) **Library Construction Update:** Final inspections are scheduled over the next two weeks and the general contractor has agreed to turn over the building no later than May 11th. The Grounds Department is working on the landscaping. Bids for moving are being solicited.

(j) **Social Services Income Maintenance Caseworker I:** The DSS has had a Caseworker I resignation. DSS intends to conduct an internal search which will, in all likelihood, create a domino effect resulting in another vacancy.

(4) CONSENT AGENDA: Darlene Fox, Finance Director, presented the finance and tax collector's reports for the month of March 2011 and five budget amendments. Revenues are still down in Planning, Building Inspections, Environmental Health and Register of Deeds. Only seven residential and two commercial permits were issued during the month of March.

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

(5) SOUTHWESTERN COMMISSION AREA AGENCY ON AGING: Mary Barker, Administrator, gave an overview of how the Agency works on behalf of older adults and their caregivers in the seven western counties including the Eastern Band of Cherokee Indians. Services available in most counties include transportation, congregate meals, home-delivered meals, in-home aide services, health promotion, senior centers, legal services, adult day services, respite, and home repair. Jackson County makes appointments to three of the Agency's various committees.

(6) UNITED WAY NC 2-1-1: Mary Barker stated that 211 is a non-emergency service provided to local communities with access to health and human service information, referrals and is administered statewide by United Way of NC. NC 211 services picks up where "911" leaves off and is a 24/7 service. A regional database has been developed. A \$19,000 Duke Energy Foundation 50/50 three-year matching grant is currently available to begin service for Cherokee, Clay, Graham, Jackson, Macon, and Swain counties. All six counties must be interested and committed in order to receive the Duke Energy matching support grant. The estimated cost for Jackson County is \$2,880.00 per year for the first three years. She stated that two of the six counties have agreed to provide the service. She urged the Board to purchase the service. No contract is required and the Board may want to try the service for 3 years, then evaluate and ascertain if it meets the needs of the county.

Carry over.

(7) HEINZELMANNCHEN BREWERY BUSINESS TAX: Sheryl Rudd petitioned the Board to compromise late fees, interest and penalties for her business personal property pursuant to G. S. 105-312(k). She was unaware when the business opened in 2004 that business personal property must be listed and only became aware in 2009, but is being charged late fees, interest and penalties for the past five years. She is not disputing the discovery, but the compromise is requested because the business was not given due notice that the business tax had to be listed. The business is current with all other permits, insurance, fees, taxes, and licenses. She will pay the county tax in the amount of \$461.11 for those five years by December 30, 2011, but the county should compromise the late fees, interest and penalties. She also requested that all late fees, interest and penalties not accrue while the Board is considering the request.

Carry over.

(8) JACKSON COUNTY COURTHOUSE – USE OF SPACE: Mr. Wooten stated he met with representatives from the Arts Council, Genealogical Society and Historical Society in order to gain a better insight of what their understanding was about any commitment made to them and to discuss other details: (a) would they be supporting the utilities associated with the courthouse (the estimate for utilities for the old courthouse is \$15,000 per year); and (b) was there any expectation they would be paying rent for the space. In general, they stated there was no expectation to compensate the county for the space, but did not completely rule out assistance with the utilities. The Friends of the Library have made provisions to provide furniture, copy machines and computers to all offices in the old courthouse. A formal agreement is recommended so each will understand their responsibilities.

A facility use agreement, to prevent any misunderstanding concerning usage of the building, was discussed with Dottie Brunette, Librarian. There has never been any discussion suggesting anyone other than Fontana Regional will manage the entire complex (courthouse and library). Fontana has expectations of using the former courtroom and conference rooms located in the courthouse.

A meeting with representatives from the Arts Council, Genealogy Society, Historical Society, Fontana Regional Library, Commissioners Cody and Jones will be scheduled to discuss use of the facilities. Mr. Wooten will facilitate the meeting.

Mr. Wooten stated the Housekeeping Director has stated he will realign his staff in order to provide housekeeping services for the new facility without having to add positions.

(9) CRIMINAL JUSTICE PARTNERSHIP PROGRAM: An Application for Continuation of Implementation Funding was submitted for FY2011-12 in the amount of \$111,858.00.

***Motion:** Commissioner Jones moved to approve the application. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(10) SOUTHERN LUMBER BUILDING: Mr. Wooten stated the county currently leases office space at a cost of approximately \$40,000 per year. Six county departments have requested additional space or need to be relocated, i.e., Board of Elections, Housing Dept., Veterans Services, Community Development, Cooperative Extension, and Soil & Water Dept. He recommended the county engage the services of Architect Odell Thompson to assist with programming and a schematic design not only for those six departments, but how the remainder of the space could be utilized. Mr. Thompson estimates his services will not exceed 34 hours (\$3,400).

***Motion:** Commissioner Cowan moved that the county contract with Odell Thomson for programming and a schematic design. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(11) TAX FORECLOSURES: Attorney Coward stated there are two different ways to handle tax foreclosures and it is his opinion the best method is to use an outside contractor as opposed to handling tax foreclosures in-house. He recently attended a County Attorney seminar in Chapel Hill, which will be continued in two weeks, and plans to discuss the nature of the contract during that time.

(12) DOT TRANSPORTATION PROJECTS: The Board met in a Work Session earlier today to discuss prioritizing transportation projects as requested by DOT. Commissioner Cowan stated he could not support the current project rankings because it would have the effect of telling DOT to use a \$100+ million in another part of the state.

Motion: Commissioner Cody moved to approve the transportation priority list. Commissioner Elders seconded the Motion. Motion carried by a vote of 4-1 with Commissioner Cowan voting “nay”.

(13) LIBRARY BOARD:

Motion: Commissioner Jones moved to reappoint Graham Somerville to a 4-year term on the Library Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(14) WATERSHED REVIEW BOARD: Carry over.

(15) CEMETERY BOARD: Carry over.

INFORMAL COMMENTS BY PUBLIC:

- (a) Carl Iobst of Cullowhee stated his dissatisfaction with the Great Smoky Mountains Railway’s requests for a grant and loan from the county when, reportedly, it made an 18% profit last year.
- (b) Marie Leatherwood of Sylva stated her continued concerns about the JDC real estate transaction with the county.
- (c) Jeanette Evans of Cullowhee thanked the Board for not placing the NC107 connector on the priority list.
- (d) Pat Vance, on behalf of the homeowners of Cane Creek Bridge Creek Community, thanked the Board for taking the NC107 connector road off the priority list

PRESS CONFERENCE

CLOSED SESSION:

Motion: Chairman Debnam moved that the Board go into closed session pursuant to G. S. 143-318.11(a)(5) Real Property (greenway). Commissioner Jones seconded the Motion. Motion carried.

AGENDA AMENDMENT: Chairman Debnam called the regular meeting back to order and requested that the Agenda be amended by adding “Davis Heirs Property”.

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

(16) DAVIS HEIRS PROPERTY – GREENWAYS: Chairman Debnam stated the Davis Heirs property consists of 14.27 acres of vacant land which would be used for greenway construction. The sales price is \$80,000. The tentative closing date is June 11.

Motion: *Commissioner Jones moved to enter into a contract for the purchase of 14.27 acres from the Davis Heirs for the sum of \$80,000 which will be used for greenway construction with funding from the CPR Fund. Commissioner Cody seconded the Motion. Motion carried.*

There being no further business, Commissioner Elders moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 8:00 p.m.

Attested By:

Approved:

Evelyn B. Baker, Clerk to Board

W. J. Debnam, Chairman