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Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
APRIL 2, 2007**

The Jackson County Board of Commissioners met in Regular Session on April 2, 2007, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Joe Cowan, Vice Chair
Tom Massie, Commissioner
William Shelton, Commissioner
Mark Jones, Commissioner
Kenneth L. Westmoreland, County Manager
W. Paul Holt, Jr., County Attorney
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the Agenda by adding proposed EDC By-Laws. Commissioner Cowan moved to approve the amended Agenda. Commissioner Massie seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Regular Meeting of March 19, 2007 and Minutes of the Special Meeting of March 19, 2007. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC: None

(1) FINANCE & TAX COLLECTOR REPORTS FOR MARCH 2007:

Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 35,103,914.75</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 30,564,970.63</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 21,377,327.47</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 630,153.85</u>
<u>Sales & Use Tax for January 2007</u>	<u>\$ 829,636.62</u>
<u>Landfill Disposal Fees</u>	<u>\$ 1,144,472.19</u>
<u>Contingency Balance</u>	<u>\$ 73,192.00</u>

(2) BUDGET AMENDMENTS:

<u>Capital Outlay (Planning 5 vehicles & 1 for Adm)</u>	<u>\$ 108,154.00</u>
<u>Social Services Dept</u>	<u>\$ 17,338.34</u>

At the request of the Finance Director, Chairman McMahan suspended the rules and Commissioner Cowan moved to approve the Finance & Tax Collector Reports and Budget Amendments. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

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

(a) The joint meeting with municipalities is scheduled on April 10, 6:00 pm at Southwestern Commission offices to be followed by a Special Meeting at 7:00 pm to consider adoption of amended EDC By-Laws.

(b) A special meeting with Community Health Link is scheduled on April 16, 7:00 pm

(c) The NCACC District Meeting is scheduled on April 24, 10:00 am, Justice Building, Room 220.

(4) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported:

(a) April 4, 11:00 am, Smoky Mountain Bio-Diesel will be making an announcement regarding its operations at the Green Energy Park.

(b) Update on the construction industry in the county: first quarter of 2007 – 360 building permits (January 33, February 40, March 45) issued for new family residences and other development. The permits reflect there has been no reduction in terms of new construction.

(c) Bonita Fox, Racking Horse Cove Rd., developed an acute water problem last week following construction just above her house on Hwy. 74/23. She and three neighbors began to experience odors and taste of gasoline in their well water. The county immediately supplied a potable water tank for their temporary use. Joan Stillwell, Community Development Director, is also investigating a permanent solution such as low interest loans or grant funds to provide for replacement wells, filter systems or optimally the extension of a permanent TWSA waterline.

(5) CASHIERS RECREATION CENTER: Mr. Westmoreland recommended that this issue be carried over to the April 16 meeting because the final permits from the Corps of Engineers and N. C. Water Quality have not been received.

(6) CHAF PROGRAM QUARTERLY REPORT: Joan Stillwell, Community Development Director, reported that of the 30 homes approved for repair and/or replacements, only two remain: (a) a modular replacement in Sylva was set on March 27 and is still under construction, and (b) a home in Cashiers is under contract for repairs with construction scheduled to commence in May 2007 and should be completed within six weeks.

(7) SCATTERED SITE HOUSING PROGRAM QUARTERLY REPORT (Jan – March 2007): Joan Stillwell, Community Development Director, reported that the C1 - \$400,000 Grant includes two rehabilitation projects and three relocation projects. On March 22, DCA authorized the use of volunteer labor on one or two projects. The work in progress: construction began March 19 on one of the Sylva rehabilitation projects; excavation and clearance activities in progress on two Sylva relocation projects; bid openings held concerning wells, septic, house plan #502, surveying, excavation and clearance. Title problems and withdrawals from the program have caused some delays. Expenditures for the quarter are \$825.63 administration funds and \$5,240.00 project funds. Jackson County also qualified for a USDA supplement in the amount of \$89,000. The \$400,000 grant is awarded every three years.

Mr. Westmoreland stated that the issue of real estate transfer fees, approximately one percent, has been discussed throughout the state which authorizes counties to earmark it primarily, in the metropolitan counties, for school building construction;

however, the legislature is looking at it as a cookie cutter approach method rather than the individual needs of the counties across the state. If Jackson County had the authorization to assess a real estate transfer fee, he would recommend that those fees be placed in a trust fund for affordable housing such as the Scattered Site Housing Program. The \$400,000 every three years is not enough to meet the needs which are actually escalating rather than declining. An affordable housing program would be a perfect use for a real estate transfer fee and would help citizens who are in desperate need due to the lack of funds outside of the grant rotation program.

(8) JUVENILE CRIME PREVENTION COUNCIL: Capt. Steve Lillard, Vice Chair, gave an overview of the selected programs for FY2007-08:

- (a) Operation Aspire is a structured day program for students who receive a long-term suspension from school.
- (b) Project Pursuit is an interpersonal skills program which places an emphasis on youth working with authority figures.
- (c) Project Challenge is a program for juvenile offenders who must make some form of restitution.
- (d) Hawthorne Heights is a temporary shelter for run-away children.
- (e) REACH, Assigned to the Arts is an art therapy program. Anger issues are addressed by children expressing themselves through art which is then used for counseling purposes.

State funding is \$106,146 and requires a 20% local match. Chairman McMahan suspended the rules and Commissioner Shelton moved to approve the funding request. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

Chairman McMahan suspended the rules and amended the agenda by adding JCPC Membership approval. Commissioner Massie moved to approve the membership list as submitted with the funding request. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(9) GUERRERA – POWER LINE EASEMENT: Mr. Westmoreland stated that Mr. Guerrero's initial request for a utility easement around the perimeter of county property was approved by the prior Board. Mr. Guerrero and his brothers own 17 acres on River Road and desires to develop the property with approximately six residences; however, he has encountered some boundary issues with an adjoining property owner which are now resolved pursuant to a letter from Mr. Guerrero's attorney indicating that all title requirements have been met. Mr. Guerrero is again requesting that the Board consider granting him a utility easement because the easement authorized by the previous Board was never implemented. It was the general consensus that the utility easement previously granted can be finalized.

(10) PLANNING DEPT. OFFICE SPACE: Mr. Westmoreland stated that due to the anticipated expansion of the Planning Dept. staff additional office space is needed. The options are: (a) Shift and rearrange existing in-house office space - feasible but would be disruptive to the operations of three other departments and would provide only the minimum space to meet current needs. (b) Lease 3,000 SF of open space at Jackson Plaza which would require the purchase of temporary wall partitions and furniture. The property would not be available until after July 1. The lease would be triple net of

approximately \$2,000/mo. for three years with an option to renew. (c) Lease Han Building containing 2,500 SF which has been divided into nine individual offices and a waiting area. The building also has a two-car carport, full basement and attic, all of which could be used for county storage. The existing furniture would remain. The property would be available on June 1. The lease would be triple net for \$3,000/mo. for five years with an option to renew.

Commissioner Massie stated he was concerned that the county would consider leasing a building that is 500 sf smaller in size and cost \$12,000 more annually for rent. He suggested that Mr. Westmoreland continue discussions with the owners of both properties and negotiate the best deal possible for taxpayers' monies. At this time, he stated he prefers the Jackson Plaza site. Mr. Westmoreland was requested to prepare a detailed cost comparison between the two sites, exclusive of the storage areas, but inclusive of furniture, fixtures, etc. Board members want to visit both sites before making a decision.

(11) WCU FACULTY & STAFF APPRECIATION DAY PROCLAMATION: The Proclamation is an annual recognition by the county to WCU. Chairman McMahan suspended the rules and Commissioner Massie moved to approve the Proclamation. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(12) SOLID WASTE ORDINANCE AMENDMENTS: A Public Hearing was held on April 2 at 5:00 pm. Chairman McMahan recommended a correction to Attachment I, page 13, Category 3, to include the sum of \$60.00. Commissioner Jones suggested that a white goods container be placed at the Tuckaseegee SRC to accommodate citizens located in the south end of the county. He also suggested that two or three SRC's located throughout the county be opened for at least one-half day on Sundays to accommodate part-time residents. He also suggested reviewing the fee of \$91.00/ton for the Cashiers C&D Transfer Station as stated on Attachment II, page 14, Category 6. Chairman McMahan recommended that the fees for the transfer stations be the same countywide.

Mr. Westmoreland stated that the major cost component is the \$23/ton hauling charge from Cashiers to Mineral Springs and then to recover \$12.00 for construction costs. However, the \$12.00 could be provided as a service and written off or spread out over a longer period of time in terms of recovery, etc.

Commissioner Massie stated that solid waste should be considered an enterprise fund and self-supporting. However, the fee structure has not been reviewed in some time and the county has been subsidizing it by approximately \$400,000 per year using property tax funds. He stated he somewhat supports moderating the proposed fees and part of the purpose of the tipping fee is to make the service as efficient as possible. The landfill availability fee is the same throughout the county. He recommended that the private haulers' concerns pertaining to extended hours at the transfer stations be addressed, especially for disposal of residential waste. He suggested the option of hiring someone to do spot checks at the transfer stations between the hours of 4:00 and 7:00 pm.

Mr. Westmoreland stated that capital improvements at the Mineral Springs site will be considered during the upcoming budget. Further, the solid waste program has never been fully balanced, even though diligent efforts have been made over the past three or so years to reduce the amount of intergovernmental transfers from the general fund which started out at \$1.4 million and is now down to \$400,000. He will be proposing that solid waste be a real enterprise fund, however, it will increase the \$60.00 per annum residential fee.

A revised Solid Waste Ordinance will be presented at the April 16th meeting.

(13) HOME & COMMUNITY CARE BLOCK GRANT LEAD AGENCY and BLOCK GRANT ADVISORY COMMITTEE: The Jackson County Dept. on Aging has served for several years as lead agency for the completion of the block grant planning process and preparation of the required block grant documents and is willing to continue to serve if designated. Chairman McMahan suspended the rules and Commissioner Massie moved to designate the Aging Dept as the lead agency. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(14) EDC BY-LAWS: Chairman McMahan presented revised EDC By-Laws as recommended by the EDC task force and approved by the EDC Board. The revisions are as follows:

Mission Statement: *Jackson County and its municipalities will strive to be a safe place to live with quality public and higher education facilities. A county devoted to building sufficient infrastructure, obtaining affordable housing, and promoting the health and well-being of its citizens. A county with an inclusive vision that welcomes newcomers, values diversity, and models cooperation. A county that is a regional economic driver whose well-trained workforce benefits from and supports a broad-based, sustainable economy with opportunities in the arts, technology, education, health and human services, tourism and the natural environment. A place that is comprised of small, vibrant communities who honor their traditions, mindful of their past, and are focused on their future.*

Article 1 add: *The EDC shall establish a set of comprehensive goals, policies, and procedures in order to increase, maintain, and/or enhance the number and quality of jobs, career opportunities and employment potential. He stated that this allows for a measure to be in place that for the EDC to establish goals each year, measure success, and determine whether it is being effective.*

Article 3A. *Change the number of voting members, pursuant to state statutes to nine. Seven of whom are local government appointments; two by Jackson County, two by the Town of Sylva, one each from the Towns of Webster, Dillsboro, and the Village of Forest Hills. Two members shall be at large members appointed by the EDC.*

Article 3C. add: *.....and a record of each oath shall be filed with the records of the EDC and the Clerk of Superior Court of Jackson County.*

Article 4A. *Change the end of the second sentence, but the Secretary and Treasurer do not have to be a member of the EDC. The reasoning is that Article 4E states that the Treasurer shall be the Finance Director of Jackson County. He stated that previously EDC funds were handled through the county's Finance Office until the EDC set up its own bank account a few years ago. By appointing the county's Finance Director as the Treasurer, there will be a direct oversight of revenues and disbursements. In addition, the EDC would be included in the county's annual audit. It has not been determined that the Treasurer or designee must attend all EDC meetings.*

Article 4G. *Executive Director and Staff:* The EDC may have an Executive Director and staff who will be employees of Jackson County. He stated that the county is the only participating entity that is financially able to pay for these services.

Article 4I. *Advisory Council.* An advisory council comprised of local agencies and governmental institutions shall serve the EDC in an advisory capacity. The members of the advisory council will be representatives from, but not limited to, the Tuckaseegee Water & Sewer Authority, WestCare Health System, the Chancellor of Western Carolina University or his designee, the President of Southwestern Community College or his designee, and others as deemed appropriate by the EDC. The advisory council will be asked from time to time to review current and proposed goals, policies, and procedures of the EDC and make suggestions on such items, as well as make reports at the EDC board meetings concerning the activities of their respective organizations. The advisory council will work at the direction of the EDC board. He stated that the EDC task force recognizes that each of the institutions has a very valuable role in economic development and the EDC Board would like to continue to have their input and expertise. Previously these institutions were referred to as “partners”.

Article 4A. *The EDC will meet at least once per month at a place and time as chosen by the members and properly publicized.* He stated this change allows for flexibility in scheduling meetings.

Article 4C. *The EDC will have an annual meeting on the fourth (4th) Monday in July of each year. Officers shall continue in office until their successors are duly elected and have taken their prescribed oath of office. All elected officials of each chartering organization and the members of the advisory committee shall be invited to the annual meeting. After discussion, it was determined “and the Treasurer” be deleted since the Treasurer is designated as the county’s Finance Director.*

Article 6. *Executive Director.* The EDC may have an Executive Director and other support staff as necessary. The Executive Director and staff will be employees of Jackson County and will be employed at the discretion of the Jackson County Board of Commissioners. Responsibilities for the Executive Director will include, but not be limited to, the development of contacts with prospective industries and new businesses seeking to locate within the County, the development of business opportunities, the recruitment of industry, the development of marketing strategies, and the compilation of demographic information about Jackson County. He/she is also responsible for budget preparation and oversight for the EDC. The EDC shall from time to time modify the duties of Executive Director and staff as needed. The support staff shall work under the supervision of the Executive Director. He stated the Executive Director would be a staff person who would assist in negotiations, preparation of contracts and be a liaison with the EDC Board. Only the EDC Chair and Treasurer would be authorized to sign contractual agreements. The EDC Board decides the need for an Executive Director and can make a recommendation; however, the county would determine if it is necessary to create the position since that person would be a county employee. For the present, the Planning Dept. can be assigned some part-time duties to assist the EDC Board. Historically, the EDC and Planning Dept. have worked from the same office.

Article 7. *The participating governmental units shall provide the economic support for the EDC. The funding as so provided shall be administered by the EDC. The EDC will develop a budget request clearly delineating each political subdivision’s requested portion in a timely manner prior to each fiscal year. The EDC will adopt a balanced budget by June 30th of each year. The EDC shall have the authority to amend the budget from time to time.* Commissioner Massie asked what amount is required as “economic support” from each entity. Chairman McMahan responded that the EDC task force will need to meet again and design a formula, i.e., follow the same formula as Region A, per capita or other factors, so each entity can appropriate funds in

their respective budgets for the next fiscal year. Mr. Westmoreland asked about the two entities that have zoning ordinances which preclude industrial development – what interest would they have in economic development of any type. Commissioner Massie stated that if an entity pays the amount determined by an agreed upon formula, then it would be permitted to participate in the EDC; however, if an entity does not fund the EDC, then the EDC would be allowed to appoint more at large members. Chairman McMahan stated that the funding formula should be finalized prior to the April 10 meeting.

Article 8. *Promptly after the close of each fiscal year, the EDC shall submit to the participating units of government an annual report of the activities of the EDC for such fiscal year. The EDC shall submit such other reports as directed from time to time by the participating units of government on at least a quarterly basis. The EDC shall comply with all the requirements of the General Statutes of the State of North Carolina and the Local Government Commission. The EDC shall be included as a part of the Jackson County Financial Audit.*

Commissioner Massie stated that assuming new by-laws are adopted, it would be a part of the budget and the county becomes a participant with the EDC as of July 1. He suggested, upon the adoption of the revised by-laws, that the present membership be dissolved and each participating entity make reappointments or new appointments so that the membership will be reconstituted under new by-laws.

The revised EDC By-Laws will be considered at a Special Meeting on April 10, 2007 at 7:00 pm after the joint meeting with the municipalities.

Commissioner Shelton moved that the Board go into Closed Session pursuant to G. S. 143-318.11(3) Legal, G. S. 143-318.11(a)(5), Real Property and G. S. 143-318.11(a)(6) Personnel. Commissioner Jones seconded the Motion. Motion carried.

Chairman McMahan called the Open Session back to order and reported no action or votes were taken in Closed Session.

There being no further business, Commissioner Shelton moved that the meeting be adjourned. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 8:45 p.m.

Attested By:

Evelyn B. Baker, Clerk

Approved:

Brian Thomas McMahan, Chairman

