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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
MAY 16, 2011**

The Jackson County Board of Commissioners met in a Regular Session on May 16, 2011, 6:00 pm, Justice & Administration Bldg., Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

Present: Jack Debnam, Chairman	Chuck Wooten, County Manager
Doug Cody, Vice Chair	Evelyn Baker, Clerk to Board
Charles Elders, Commissioner	J. K. Coward, County Attorney
Mark Jones, Commissioner	
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 Cowan moved to approve the Minutes of the three Public Hearings of May 2, Regular Meeting of May 2 and Work Session of May 9, 2011. Commissioner Cody seconded the Motion. Motion carried.

(1) CHAIRMAN'S REPORT: Chairman Debnam presented NCDOT's R-5000 project preliminary design for a connector road from NC116 and Bonnie Lane to NC107 at SR1774 (Evans Road). The road will traverse through the SCC campus from NC116 to a bridge across NC107, a 4-lane highway. The only access to the bridge is from the Cullowhee area and would serve as an alternative entrance to SCC. In 2008, the plans were for an "at grade" intersection at a cost of \$6.8 million. It is now a \$12.3 million project and changed from an "at grade" to a bridge intersection. It appears studies have been inadequate. Bridge construction will cause the loss of two lanes of NC107 for about a year. There are other county road projects which have been delayed for over four years because of funding.

(2) COMMISSIONER REPORTS: Commissioner Cowan stated he objected to the Chairman's presentation because no one from DOT is present and there have been two public hearings on the R-5000 project. The primary purpose of the road is a safety improvement so there are two routes in and out of the SCC campus. DOT has been working on this project for a long time.

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

- (a) **Duke Energy:** The Federal Energy Regulatory Commission (FERC) has issued a new license to Duke Energy for the hydroelectric project on the East Fork and West Fork of the Tuckaseegee River.
- (b) **School of Alternatives:** The Board is invited to an open house at the School of Alternatives on May 27 at 1:30 p.m.
- (c) **Legislative Delegation:** Last Saturday, he and Chairman Debnam met with other western county commissioners and county managers to encourage their legislative delegation to endorse the agenda of the NCACC. Senator Davis was present.
- (d) **Electronic Notices:** The bill to allow electronic notice of public meetings and hearings was voted down in the House Government Committee.
- (e) **Meth Lab Clean Up:** Until May 10, 2011, the state was financially responsible for any clean up costs associated with meth labs. Counties have now been notified that the state will no longer assume this clean up responsibility and will fall to the counties. The Sheriff's Office estimates the costs will vary according to the complexity of the lab operation but a minimum cost of \$2,000-\$3,000 will be required. Funds will need to be budgeted for this contingency.
- (f) **Town of Webster:** The Town of Webster will hold a public hearing in the near future to receive public comments about de-annexing SCC from its town limits.
- (g) **Economic Signs:** During the month of April, receipts were up for Register of Deeds receipts, building, environmental and planning permits. The NC Dept. of Commerce reports that all leading economic indicators point to an expanding economy in the immediate future.
- (h) **Stanton & Stanton:** Mr. Stanton filed an appeal of the Magistrate's Order. A hearing is scheduled on May 23.
- (i) **Library:** Last Friday, the county accepted the library from the general contractor.

(4) FINANCE & TAX COLLECTOR REPORTS, BUDGET AMENDMENTS,

FIREWORKS APPLICATIONS: Darlene Fox, Finance Director, presented the finance and tax collector's reports for the month of April 2011 and three budget amendments. A quarterly report for Smoky Mountain Center was also presented. During April, building permits were issued for 11 residences and 3 commercial projects.

Three applications were submitted from East Coast Pyrotechnics to display fireworks on July 4th at Cedar Creek Racquet Club, Cashiers, Macktown Rd., Dillsboro, and the Community Center, Cashiers.

Motion: *Commissioner Jones moved to approve the Finance and Tax Collector's reports for April, three budget amendments, and authorize the Fire Marshal to proceed with permit procedures for East Coast Pyrotechnics to display fireworks at the three sites on July 4, 2011. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(5) AUDIT CONTRACT: Dixon Hughes Goodman LLC submitted a contract for the audit period beginning July 1, 2010 and ending June 30, 2011. The audit fee is \$58,100 plus \$17,900 for preparation of financial statements for a total of \$76,000.

Motion: *Commissioner Jones moved to approve the contract. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(6) CASHIERS VALLEY COMMUNITY COUNCIL: Commissioner Jones stated that in order to proceed with construction of the new road leading into the new recreation center site, it was necessary to demolish a small concession stand owned by Cashiers Valley Community Council. The small building was being used as a “Fishes & Loaves Pantry” to assist the needy. The estimated value of the building is \$15,000.

Motion: Commissioner Elders moved to appropriate the sum of \$15,000 from the contingency fund to Cashiers Valley Community Council. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.

(7) HOMTEX, INC.: Mr. Wooten reported that HomTex has been paying the rent for QC Apparel and the new lease rent is current. HomTex has formally requested the county to enter into a month-to-month lease for the area currently occupied by QC Apparel at \$1.00/sf which is the current square foot rent for QC Apparel. The amount is scheduled to increase to \$1.50/sf on July 1, 2011. HomTex is trying to purchase other property and hoping to finalize a couple of contracts fairly soon which would provide the business it needs to create a larger presence in Jackson County. Homtex does not want to commit to a long term lease until it has sufficient contracts.

QC Apparel pledged some machinery as collateral for an outstanding revolving loan. Homtex evaluated the equipment and determined that it basically has a scrap metal value and offered the county \$2,000.

Attorney Coward stated the current QC Apparel lease can be assigned, but only with the express written permission of the county. He suggested an amendment to the current lease modifying the square foot rental fee and term. Further, the county would not be waiving any rights by selling the equipment to HomTex nor would QC Apparel’s past due rents and revolving loan obligations be absolved.

Motion: Commissioner Jones moved that the county attorney draft a month-to-month lease effective July 1, 2011 with Homtex which will be modified after the square foot rent is negotiated. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

(8) CASHIERS RECREATION FACILITY: Mr. Wooten stated that he met with Dan Duckham, Architect, last week for an update of the project and review construction drawings made approximately five years ago. Mr. Wooten presented estimated construction and recurring operating costs:

Construction costs	\$ 4,500,000
Design fees (balance of fees)	140,625
Movable equipment	150,000
Landscaping materials	25,000
Contingency	225,000
Total	\$ 5,040,625
Annual Recurring costs:	
Projected building operating costs	\$ 180,000
Projected program costs	150,000
Total	\$ 330,000

The architect anticipates construction plans can be ready for bid within 60 days. Mr. Wooten recommended the county solicit the services of a professional cost estimator to review the plans and submit a cost report before the project is bid. A work session with the architect will be scheduled to review the construction drawings.

INFORMAL COMMENTS BY PUBLIC:

- (a) Marie Leatherwood of Sylva stated her complaints about the lack of an investigation of the JDC by local law enforcement.
- (b) Nola Brown of Tuckasegee requested the Board to purchase property located on Shook Cove Road for a Tuckasegee Community Center which could also be used by many county departments.
- (c) Jeff Powell, Pastor of Tuckasegee Wesleyan Church, stated the Tuckasegee area needs a community center which could also be used during emergency situations.
- (d) Anna Fariello of Cullowhee stated she attended a DOT public meeting concerning a bridge replacement over the Tuckasegee River in Cullowhee. A committee is working to develop a River Park in the area around the new bridge. The river is a natural, recreational, educational, and cultural resource.
- (e) Rick Bennett requested county participation with DOT in designing the area around the replacement bridge across the Tuckasegee River in Cullowhee so it can be developed as a river park and greenway. The design needs to have “people friendly” slopes around the bridge and pathways under the bridge.
- (f) Mary Jo Cobb of Tuckasegee requested consideration of a community center in Tuckasegee which would be of a great benefit to seniors.
- (g) Carl Iobst of Cullowhee stated Homtex should be required to pay a security deposit in order to be given a month-to-month lease and \$1.50-\$2.00/sf is not unreasonable.

PRESS CONFERENCE

There being no further business, Commissioner Jones moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 7:15 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

W. J. Debnam, Chairman