

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
JULY 16, 2012**

The Jackson County Board of Commissioners met in a Regular Session on July 16, 2012, 6:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

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

Chuck Wooten, County Manager
J. K. Coward, Jr., Co. Attorney
Pat Parris, Clerk to Board

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 three Public Hearings, Joint Meeting with Town of Sylva and Regular Meeting of June 18, 2012. Commissioner Elders seconded the Motion. Motion carried.

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

(a) **Unemployment Rates for May 2012:** The May unemployment rate reflects an increase over April 2012 from 8.9% to 9.6%. The May 2012 rate is identical to May 2011. Jackson County continues to compare favorably with the western counties with only Haywood County having a lower rate.

(b) **Records Retention Policy:** He now has signed copies from each department that has a prescribed retention policy issued by the NC Department of Cultural Resources. The County had previously adopted the recommended policy from the NC Department of Cultural Resources covering most departments. Most policies have remained static since 2007 and he will continue to monitor recommendations and implement modifications in new releases. Representatives from Cultural Resources will be invited to conduct some refresher training for department heads.

(c) **ABC Permits:** Since the referendum approval on May 8th, suitability forms have been completed for 24 businesses who have expressed interest in obtaining ABC permits. Overall, 9 businesses expressed interest in on-premise sales and 15 businesses expressed interest in off-premise sales. With one exception, beer and wine is the main request for on-premise sales.

(d) **State of Housing in Jackson County:** The North Carolina Housing Finance Agency compiles housing statistics for each county based upon the 2010 census data. The following is a snapshot of Jackson County:

Median Household Income:	\$37,190	Cost Burdened Homeowners:	22.9%
Population:	40,271	Rental Housing:	35.4%
Population Growth:	21.6%	2011 Fair Market Rent:	\$635.00/mo.
Occupied Housing Units:	15,866	Wages Needed for 2 BR apt:	\$ 12.21/hr.
Units Built before 1960:	23.6%	Cost Burdened Renters:	47.8%
Mobile Homes:	23.7%	2011 Mortgages:	5,547
Building permits-2011:	101	2011 Foreclosures:	279
Owner Occupied Units:	10,518 (66.3%)		

Jackson County is one of 61 counties having a housing cost burden in excess of 30% of income.

(e) **Semi-Annual Building Permit Summary:** The first six months of 2012 reflects an increase in activity for all permitting categories with the exception of new multi-family construction. New residential permits have increased by 22 over the same period for last year to a level of 67. Commercial permits have increased by 2 and total permits for mobile homes, additions, renovations, and miscellaneous permits have increased by 87 or 16.3%. If the trend for the first six months continues, then single family new construction could return to the level of 2009 and 2010 when 152 and 157 new family permits were issued. If this happens, it will have a very positive impact on the County tax base.

(f) **Economic Development Task Force:** This group continues to meet every two weeks and is getting closer to making some recommendations to the Commissioners for structuring economic development activities in Jackson County. They have also conducted a survey of business and community leaders across Jackson County and a copy of the results will be provided after they are compiled.

(g) **Capital Projects:** Prequalification applications for the Smoky Mountain and Blue Ridge High School projects are due on July 17th. 15 general contractors have requested prequalification information so a very competitive bid process is expected for this project. The Cashiers-Glenville Recreation Center project continues to move forward on schedule. The building should be closed in within the next 45 days and final site work is being performed to stabilize the site.

(h) **Human Resources Director:** He has developed a job description and job announcement for this position. The position will be advertised next week. Hopefully, applicant evaluations can begin within the next three weeks and conduct interviews in August.

(i) **East Carolina Dental Clinic:** ECU advertised in last week's local papers for contractors to pre-qualify to bid on the construction of a 7,700 sq ft building in Sylva for a dental clinic.

(j) **NCACC Annual Meeting:** Early registration to the annual meeting continues through July 16th.

(k) **Legislative Update:** The NC General Assembly adjourned on July 2nd from the 2012 Short Session. **HB 991** to delay the implementation of the occupancy tax changes until January 1, 2013 was approved. The Commissioners will need to take action to create a Travel Development Authority effective January 1, 2013 and to address the possibility of increasing the occupancy tax rate. A sub-committee chaired by Commissioner Jones has been working on this topic for several months and will be submitting their recommendations to the Commissioners for consideration in the near future. **HB 438** (replacing S433) grants county commissioners the authority to oversee operations of both Health and Social Service departments. This was one of the highest goals for counties in the short session. **S231** is a bill concerning contingent fee audits. Jackson County has utilized this process for audits of business personal property, sales tax, and occupancy tax. This bill allows the current practice to continue for one year through June 30, 2013 and then suspends contingent fee audits for two years through June 30, 2015 to give the Legislature more time to assess the impact of these audits. **S191** (LME Governance) is a bill restricting the size of area mental health governing boards to a maximum of 21 members. 10 of the members are prescribed by law and one member is reserved for a county commissioner. The new structure must be in place by October 2013 allowing the General Assembly time to continue the study of these entities in advance of the implementation date.

(1) **Cherokee Tribal Council – Joint Meeting**: A joint work session with the Chief, Vice Chief, Tribal Council and Jackson County Commissioners is scheduled at 1:00 pm on July 31st in the Tribal Council Chambers in Cherokee. This will be an opportunity for the leadership of Cherokee and Jackson County to begin a dialogue about how they can work together on projects for which both boards have an interest. Hopefully, this will become a regular meeting and this initial meeting will decide how to move forward.

(2) **CONSENT AGENDA**: Darlene Fox, Finance Director, presented Tax Collector and Refund Reports for June 2012 and five budget amendments. Tax refunds for June total \$1,737.42. **Motion**: *Commissioner Cody moved to approve the Consent Agenda. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(3) **NC HIGHWAY PATROL**: Sgt. Matt Wike stated that for many years the North Carolina Highway Patrol operations in Jackson County have been housed in an office adjacent to the Sylva Fire Department. The County has provided, at no cost, housekeeping and maintenance services. On behalf of the NC Highway Patrol, he presented certificates of appreciation to the Board of Commissioners and the Housekeeping and Maintenance Depts.

(4) **U. S. 441 DEVELOPMENT ORDINANCE**: Gerald Green, Planning Director, stated that in response to comments that the U.S. 441 Development Ordinance did not adequately address the realities of the corridor or the goals of the 441 Community Plan, staff and 441 Corridor Council members reviewed the ordinance. The proposed amendments include:

- Revising the Gateway Corridor standards to better reflect the context of the area by permitting new development in context with existing development patterns (limited parking in front, reasonable setbacks);
- Revising the Village Center standards to permit the development of larger shopping areas that provide opportunities for regional stores;
- Revising the landscape and sign standards to preserve the natural aesthetics of the corridor while providing for adequate signage for businesses.

The proposed revisions will be presented at community meeting(s) to be held in early August. The proposed revisions will be amended based on comments received from the public and presented to the Planning Board for review. Subsequently proposed ordinance amendments will be presented to the Board of Commissioners for consideration.

(5) **540 BROADCASTING**: Roy Burnette Owner/General Manager WRGC Radio Jackson County now has a live and local radio station back on the air. It was the stated desire of the citizens and Commissioners that WRGC radio be locally owned and operated. The goal was to take advantage of a loan from the Revolving Loan Fund and employment fund to generate jobs. As of today 12 individuals are getting paid for some form of work at WRGC Radio. According to the last payroll the full time equivalent was 7.75, excluding those working part-time on technical improvements and maintenance which averages about 16 additional hours per week. The requirement is for 11 full time positions by March 2014 which will be 24 months from the contracted agreement date of March 30, 2012. He presented a partial list of the accomplishments of WRGC thus far:

- Began test programming on April 1st and went on the air officially April 2 2012;
- Replaced the old programming computer with a Nex Gen System which provided a state of the art technology for all programming applications ;
- Signed on with advertising contracts equal to one half the station's 2011 billing (this was before a single listener or advertiser had an idea of what the station would sound like or what the coverage area would be);
- Replaced the power cable feeding the tower and immediately experienced about a 20% increase in power due to the prior power feed cable losing current into the ground;
- Placed a full time News Director was on staff;
- Began broadcasting NBC and NCNN News consistently on April 30th ;
- Experienced a consistent growth in advertising sales since the station signed on;
- Obtained more agency buys such as Team Detroit, Harrah's Cherokee Casino and TRONE. These agencies and numerous larger corporations have allocated advertising funds for the quarter and year before the station signed on, but these funds are now available and the agencies are realizing the significance of the station's huge coverage area;
- Responses to the station's format are overwhelmingly favorable with countless calls each day commending the variety mix of music
- Tradio is a strong indicator of the station's popularity and reach. Listeners call in on a regular basis from all four counties the station serves.

(6) TOWN OF DILLSBORO – INTERLOCAL AGREEMENT: Gerald Green, Planning Director, stated the Town of Dillsboro has requested that the county enter into an interlocal agreement for the administration of planning and zoning issues, building and fire inspections in addition to enforcement of the county's Wireless Telecommunications Facilities Ordinance. The agreement shall be valid for a period of one year and shall automatically renew for successive annual terms unless notice of termination is duly served by either party. The fee for County services is \$1,600 annually and will be billed quarterly. All fees associated with reviewing plans or applications will be collected by the County and shall be applied to the \$1,600 fee.

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

(7) NCACC VOTING DELEGATE: The 105th Annual NCACC Conference is scheduled on August 16-19 in Wake County.

Motion: *Commissioner Cody moved to designate Chairman Debnam to serve as Jackson County's voting delegate at the 105th NCACC Annual Conference. Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

(8) BALSAMWEST – METROSTAT ASSETS: Mr. Wooten presented a proposal from BalsamWest in conjunction with Dnet (the “Partnership”) to purchase the Metrostat assets from the County and Town of Sylva. The proposal includes the following:

- \$25,000 cash upon execution of the sales agreement.
- \$50,000 in equal payments of \$833.33 over a period of 60 months.
- A revenue sharing agreement on the network access charges for customers who are served by Metrostat fiber. Estimated revenue benefit to the Town and County of \$48,750 based on 24 customers using the fiber.
- The “Partnership” agrees to an Indefeasible Right of Use (IRU) to the Town and County for two strands of fiber each for a period of ten years for \$1.00. (The fiber can only be used in the distribution of internal traffic by the Town and County).
- The “Partnership” will waive the fiber maintenance fee of \$47,500 assessed in the IRU contract.
- The “Partnership” will assume the responsibility of the \$500/month lease for the Metrostat transmission tower site.
- The “Partnership” will provide incentives for Metrostat customers of record through December of 2011 by offering those customers free installation of internet service utilizing the Metrostat tower provided they order service no later than December 1, 2012.
- New customers who sign up for internet service utilizing the Metrostat tower will receive a \$100 credit provided they order service no later than September 30, 2012.
- The “Partnership” will work with the Town and County to find economical and suitable tower sites throughout Jackson County in an effort to expand internet access.
- The “Partnership” will offer the Town and County discounts for internet, telephone, transport and long distance services in addition to specified telephone equipment.

The “Partnership” also requests that the County and Town enter into a Letter of Understanding no later than July 31, 2012 and a sales contract be completed no later than August 31, 2012. In the event neither of the dates is met, the \$25,000 cash payment portion of the offer will be null and void. The “Partnership” estimated the value of the transaction is \$218,750.

A joint **Resolution (R12-19)** with the Town of Sylva was presented authorizing advertising for an upset bid. The Town of Sylva Board will be considering the Resolution at a meeting on July 19th.

Motion: *Commissioner Cowan moved to adopt the Resolution contingent upon adoption by the Town of Sylva. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(9) ABC COMMISSION: Mr. Wooten stated that even though there is no urgency, he requested directions for addressing procedures to establish a stand alone Jackson County ABC Board, merge with the Sylva ABC Board or do nothing at this time. Chairman Debnam recommended that Mr. Wooten and Mr. Coward draft, for discussion purposes only, a resolution addressing the issues. The resolution would be discussed during a future work session.

(10) BARKING DOGS: Marva Jennings of Glenville stated she would like to present “dog owners” side of the issue. She has lived in Jackson County her entire life and owns 13 acres of non-restricted property on Big Ridge Road. She bought that property because it was not in a restricted community. It appears that a small amount of the population is requesting restrictions on dogs and those people should consider living in a restricted community. She asked if the people complaining about barking dogs are permanent or part-time residents. Everyone she has talked to does not want restrictions on dogs. As a property manager, she was requested to require an individual to put a leash on a cat. Restrictions are just another way to control and change residents. New restrictions would create a need for additional enforcers to be paid by taxes and the average resident cannot afford a tax increase. Restrictions represent a loss of freedom.

(11) ADVISORY COMMITTEE FOR LONG TERM CARE:

Motion: Commissioner Cody moved to reappoint Mary Culp to a 3-year term on the Advisory Committee for Long Term Care. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.

Informal Comments by Public

- (a) Marie Leatherwood of Sylva stated her opinion concerning board actions.
- (b) George Ware of the Chalet Inn expressed appreciation of BalsamWest, a local company, for taking the initiative along with Dnet to bring the County into the 21st Century. As citizens and businesses gain high speed access they will come up with novel business models leading to greater economic growth while maintaining the natural beauty of the area.
- (c) Frank Clayton of Sylva, Vice President of the Jackson County Coon Hunters Club, stated he was speaking on behalf of a large number of people who are opposed to a “Barking Dog Ordinance”. They want their children to grow up be able to do the things that everyone loves including hunting with dogs.
- (d) Ronnie Bryson expressed his concerns in opposition of a barking dog ordinance. He stated his family has owned the land where he lives for over 100 years and never had an issue with barking dogs with any of his neighbors. His dogs are used for hunting, but more importantly they are used for safety. Some new neighbors moved in about 15 years ago. Should the county allow someone who moved here 15 years ago make an issue of something that has been here for over 100 years. There are more important issues that need attention.

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)(5) Real Property. 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 except approval of Closed Session Minutes.

Mr. Wooten stated that Joel Setzer, NCDOT Division Engineer, had contacted him concerning the Coward Memorial Road Resolution and informed him that DOT regulations limit memorial roads to five miles. Thus, the Orville and Kent Coward memorial highway will be the section from Shook Cove Road to Trout Creek Road (5.2 miles).

There being no further business, Commissioner Cowan moved to adjourn the meeting. Commissioner Cody seconded the Motion. Motion carried and the meeting adjourned at 8:15 p.m.

Attest:

Approved:

Patsy C. Parris, Clerk to Board

W. J. Debnam, Chairman