

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
OCTOBER 15, 2012**

The Jackson County Board of Commissioners met in a Regular Session on October 15, 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: Chairman Debnam added Tourism Development Authority Resolution Public Hearing and Planning Board Appointment. Commissioner Elders moved to approve the amended Agenda. Commissioner Cowan seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Regular Meeting of October 1, 2012. Commissioner Elders seconded the Motion. Motion carried.

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

(a) Building Permits: For the first nine months of the year, there has a slight increase in single family home permits (87 vs. 81) and commercial permits (16 vs. 13). Overall, the permit activity is down for 2012 including a significant decline in permits for renovations and additions. The good news is that the new owner of the vacant hotel building has begun discussions with the Permitting & Code Enforcement Office about re-activating the building permit for that project and there are 7 multi-family projects under review by staff. These projects are in Cullowhee and in close proximity to the WCU campus. A permit application has been submitted to renovate and re-open the former KFC building on Hwy. 107 as a new concept and discussions have begun with the new owners of the partially completed hotel on Hwy 107. Overall, new construction activity within the County continues to show improvement.

(b) Smoky Mountain and Blue Ridge School Projects: Official approval notification for a loan has been received from the NC Local Government Commission and the designer has provided the contracts to the general contractor for review and execution. The loan closing date is set for October 25th. At this point, a ground breaking ceremony is planned for November 5th. The Blue Ridge ground breaking will take place at 9:30 am and the Smoky Mountain ground breaking at 11:30 am. Superintendent Murray, his staff and principals are working on these events including making sure there is student involvement. Once the final arrangements are in place, an official itinerary will be provided. It is expected that it will take the general contractor approximately 30 days to mobilize and get on site.

(c) Cashiers-Glenville Recreation Center: This project is approximately 45 days away from completion. The floors in the gymnasium and exercise rooms are scheduled for installation during the last week in October. The general contractor plans to follow behind with their cleaning efforts and complete the project by November 30th. The equipment has been ordered and should be in place soon thereafter. Recruiting for additional staff will commence fairly soon and the facility should be open to the public with the start of the New Year. Staff will begin working on a dedication and open house event.

(d) Economic Development Planning Committee: The committee has held public forums in Cashiers and Sylva to provide the result of the economic development survey and to allow public comment. Both of these events were well attended and had good participation from the audience. The current schedule is for a formal presentation of the economic development report be given to the Commissioners at the November 5, 2012 meeting.

(e) Green Energy Park: Congratulations are in order to Timm Muth for a job well done at the recent annual youth arts festival at the park. This was truly a community project as many different entities, agencies, and individuals volunteered their time to make the festival a very exciting opportunity for our youth. Each of you received a copy of a recent article by Kristin Smith in the fall 2012 edition of the Renewable Energy from Water magazine. The Park continues to receive a lot of attention and recognition, both regionally and nationally, from a number of individuals and governmental entities as a model for utilizing the methane gas from a small closed landfill to support economic development activities.

(f) Legislative Proposals: He will participate in a discussion by conference call on Tuesday with the Tax and Finance Committee of the NC Association of County Commissioners concerning the request that the Association consider and/or support legislation to control sweepstakes operations. Presently, there is legislation in front of the General Assembly that would address this situation so it is anticipated the Association will re-confirm its position to support this legislation.

(g) Sidewalk and Drainage Improvements at Cashiers-Glenville Recreation Site: Bids were received on Thursday, October 11th and the low bidder appears to be Moore & Sons from Henderson County in the amount of \$237,230.75. He is continuing to work through the bid process since three of the five bidders did not submit a fully completed package of information and their bids were not considered when the bids were opened leaving only two properly completed bids. The bid amount is below the formal bid threshold that requires 3 official bids so he remains hopeful that an award can be made without re-bidding.

(2) CONSENT AGENDA: Darlene Fox, Finance Director, presented the finance and tax collector reports for September 2012, and September tax refunds in the amount of \$4,436.34.

Motion: *Commissioner Jones moved to approve the consent agenda.
Commissioner Cody seconded the motion. Motion carried by unanimous vote.*

(3) SURPLUS PROPERTY: Darlene Fox, Finance Director, submitted a list of various items and vehicles, in addition to the 13 vehicles discussed during the work session, and requested they be declared surplus and authorized for sale.

Motion: *Commissioner Jones moved to declare the items surplus posted for sale on Public Surplus and Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(4) RECREATION/LITTLE LEAGUE: David McCoy, Jackson County Little League President, presented a plaque in appreciation of the Board’s support of the Little League program during the past year.

(5) TOURISM DEVELOPMENT AUTHORITY RESOLUTION: Mr. Wooten stated that during the afternoon Work Session the Board discussed two options:

- (a) A proposed resolution prepared by the Steering Committee.
- (b) A revised resolution modifying some of the points in the committee’s version.

The only issue at this time is which version of the resolution will be selected for a public hearing. Following the public hearing, the Board would then adopt a resolution creating a Tourism Development Authority, confirm the current 3% occupancy tax, acknowledge the Board is authorized to increase the occupancy tax up to a maximum of 6%, but only increasing the tax 1% (recommended in both versions).

Motion: Commissioner Elders moved that the revised resolution be selected for a public hearing. Commissioner Cody seconded the Motion. Motion carried by a vote of 4 -1 with Commissioner Jones voting “nay”.

A public hearing was scheduled on November 5th at 1:30 p.m.

(6) CAPITAL PROJECT ORDINANCE: Darlene Fox, Finance Director, presented a Capital Project Ordinance outlining the appropriation and revenue sources in the amount of \$13,168,650 for the Smoky Mountain High Gym & Performing Arts Building and Blue Ridge School Locker Room projects.

Motion: Commissioner Cowan moved to adopt the Ordinance. Commissioner Jones seconded the motion. Motion carried by unanimous vote.

(7) REFINANCING APPLICATION RESOLUTION (R12-31): Darlene Fox, Finance Director, presented a Resolution authorizing the filing of a refinancing application for the following issues: Bank of America (Cashiers/Webster/FV-K) not to exceed \$7,200,000 at 2.29%, Bank of America (Dept on Aging) not to exceed \$3,400,000 at 2.37% and SunTrust (Solid Waste) not to exceed \$3,000,000 at 2.46%. A public hearing was held prior to this meeting and no public comments were made.

Motion: Commissioner Elders moved to adopt the Resolution. Commissioner Cody seconded the motion. Motion carried by unanimous vote.

(8) CODE OF ORDINANCES AMENDMENT: The proposed amendment is to Chapter 1, Section 1.11, General Penalty. A public hearing was held prior to this meeting and no public comments were made.

Motion: Commissioner Cody moved to adopt the amendment. Commissioner Elders- seconded the motion. Motion carried by unanimous vote.

(9) **PUBLIC ASSEMBLY ORDINANCE:** The proposed ordinance establishes that certain County facility grounds may be reserved for a public assembly provided certain conditions are met to protect the safety of citizens and visitors as well as to safeguard County property. A public hearing was held prior to this meeting. Ordinance not considered due to lack of a motion.

(10) **HEALTH BOARD:**

Motion: *Commissioner Cowan moved to reappoint Jerry Deweese, Ronald Fisher, Doug Homolka, Joyce Lovin, David McGuire, Nell Sanford, and Thomas Turrentine and appoint Kim Woodard to 3 year terms on the Health Board. Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

(11) **SOLID WASTE BOARD:**

Motion: *Commissioner Cody moved to reappoint Benjamin Woods and Betty Foti to 4 year terms on the Solid Waste Board. Commissioner Jones seconded the motion. Motion carried by unanimous vote.*

(12) **COUNCIL ON AGING:**

Motion: *Commissioner Jones moved to reappoint Becky Middleton to a 3 year term on the Council on Aging. Commissioner Elders seconded the motion. Motion carried by unanimous vote.*

(13) **CASHIERS PLANNING COUNCIL:**

Motion: *Commissioner Jones moved to reappoint John Sullivan, and John Stanger to 3 year terms on the Cashiers Planning Council. Commissioner Elders seconded the motion. Motion carried by unanimous vote.*

(14) **PLANNING BOARD:**

Motion: *Commissioner Elders moved to appoint Kent Moore to fill the unexpired term of Holly Ferguson on the Planning Board. Commissioner Cody seconded the motion. Motion carried by unanimous vote.*

Informal Comments by Public:

(a) Ann Fisher of Sylva stated Jim Sellers Road was at one time a beautiful residential community, but a new land owner has placed an unprocessed, smelly, smoky 25' high bark pile in front of their homes. A creek is located nearby from which cattle drink. She also owns rental property near the bark pile and Mountain Projects owns apartments in the area. The bark pile is ruining the neighborhood and she requested the county to investigate the situation and give them some assistance. The owner of the bark pile does not live on the road.

(b) Dorothy Dillard stated she lives on Jim Sellers Road and the bark pile is 75' from her porch. Her daughter also lives nearby and her property was appraised two years ago and the value had gone down quite a lot and some of that was due the bark pile. Something needs to be done.

(c) Johnny Buchanan stated he lives on Jim Sellers Road. It is a residential neighborhood on a one lane gravel road serving about 25 families. Big 10-12 wheel dump trucks use the road hauling mulch. These are a danger to people walking along the road and children playing near by. The residents do not know where the mulch originated or what it contains. The mulch pile is approximately 100' long, 25' high, and 25-30' wide. As a retired fireman he is of the opinion there is a potential danger of spontaneous combustion. Mulch piles can start burning and if the wind starts blowing it can blow sparks into houses. There are 8 houses within 300' of the mulch pile and 3-4 houses within 75-85'. There is a wooded area across the road but within 12' which could also catch fire. The mulch area is also used for parking back-hoes bulldozers and other heavy equipment. This type of junk in the community devalues homes and property. No one wants to rent, buy or live near this type of stinking pollution. Something needs to be done as far as rules, regulations and so forth go.

(d) Jay Ball stated that a possible solution is paving the road because state regulations could possibly help remedy the situation. The county owns two commercial tracts that are presently up for sale and if the mulch eyesore is removed, it would also increase the value of that property. Jim Sellers Road is a state maintained road so rights of way have already been given.

Press Conference

There being no further business, Commissioner Cody moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 7:00 p.m.

Attest:

Approved:

Patsy C. Parris, Clerk to Board

W. J. Debnam, Chairman