

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
APRIL 1, 2013**

The Jackson County Board of Commissioners met in a Regular Session on April 1, 2013, 2:00 pm, Justice & Administration Building, Room A201, 401 Grindstaff Cove Rd., Sylva, North Carolina.

Present: Jack Debnam, Chairman
Doug Cody, Vice Chair
Charles Elders, Commissioner
Vicki Greene, Commissioner
Mark Jones, Commissioner - Absent

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 amended the Agenda by adding PARTF Resolution. Commissioner Greene moved to approve the amended Agenda. Commissioner Elders seconded the Motion. Motion carried.

MINUTES: Commissioner Elders moved to approve the Minutes of the Work Session and Regular Meeting of March 18, 2013. Commissioner Elders seconded the Motion. Motion carried.

(1) COMMISSIONER REPORTS: Commissioner Greene reported that there will be a fundraiser on April 20, 4:00 pm at the Sylva Bridge Park to support the Steve Jones Scholarship Fund at WCU and SCC. Commissioner Cody requested that a proposed resolution in support of the second amendment be addressed in an upcoming meeting.

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

(a) Health Insurance: The employee health insurance administrator has solicited bids for stop loss insurance and other plan related costs. The bids are less than the current year; consequently, the county will be able to maintain the current coverage without the need to increase rates for the employer or the employee during the next budget year. Overall, the health profile of employees and their dependents has improved.

(b) FY 2013-14 Budget: The Finance Officer and he will be meeting individually with department heads over the next couple of weeks to review their budget requests. The goal is to present a proposed budget at the May 20th meeting. He requested that April 15th be set aside for a budget work session starting at 9:00 am. A number of external agencies and elected officials will be invited to discuss their budget requests.

(c) Unemployment Rates-January 2013: The unemployment rates for January 2013 reflect an increase as compared to the December 2012 rates. Jackson County's rate of 11.3% is 1.8% higher than December and .1% higher than January 2012. All of the seven western counties realized increases in unemployment rates ranging from 1.0% to 4.0%. The main reason for this increase may be the discontinuation of seasonal employees following the holiday season. Hopefully the rate will decrease over the next several months.

(d) NCACC District Meeting: The western district meeting will be held at the Ramsey Center on the campus of WCU on April 10th beginning at 5:30 pm.

(e) Jackson County ABC Board - Organizational Meeting: This meeting will take place on April 9th at 9:00 am in Room A-227 of the Justice Center. Laurie Lee from the NC ABC Commission will be in attendance to provide guidance to the Board and to answer any questions about how to move forward. Mr. Coward, County Attorney, will provide an overview of the open meetings law and other issues related to meeting operations. An invitation has been extended to the Chairman and Store Manager for the Sylva ABC Board to attend; however, their schedules will not allow their participation in this meeting. It is anticipated that the Jackson County ABC Board will invite them to a future meeting to seek their guidance in establishing and operating an ABC store. They may also wish to invite representatives from other surrounding counties. One of the items the Jackson County ABC Board may request is a short term loan to capitalize their operations as they consider opportunities for ABC stores in Jackson County.

(f) 210th Military Police Deployment Ceremony: A ceremony honoring the 210th Military Police will be held on April 17th at 4:00 pm on the campus of SCC marking the deployment of the unit for a tour of duty in Afghanistan. SCC is commended for making its facilities available for this important event. County staff worked with Army National Guard representatives in facilitating this event. A special invitation has been extended to the Commissioners to attend the ceremony.

(g) Advantage West Meeting: He participated, along with 15 other economic development representatives from the Advantage West region, in the annual trip to Raleigh to meet with various representatives from agencies involved in economic development. In addition, the County hosted a legislative breakfast that was well attended by elected officials who represent western North Carolina. Hopefully, the contacts made and the information gained from the various presentations will benefit the efforts of western North Carolina counties in attracting and retaining businesses in our communities.

(h) Legislative Update: The NC General Assembly continues to move quickly with proposed legislation. Governor McCrory released his proposed FY 13-14 budget. Unfortunately, the proposed budget did not restore the funding formula from lottery proceeds to provide 40% of lottery profits to counties for school capital construction. This distribution has been capped at \$100 million over the past several sessions; consequently, the county's distribution of \$200,000 is approximately 50% of what it should be. This does negatively impact counties and school boards. He will continue to monitor the budget process as well as a number of bills that would impact Jackson County.

(i) Farmland Preservation Program: In 2008, following action by the NC General Assembly, Jackson County adopted an ordinance establishing a voluntary farmland preservation program and appointed a board to oversee this activity. The primary goal of this program is to encourage the preservation of farmland and to provide some incentives to farmers who participate. This board is re-energizing efforts to educate farmers on the benefits of the program and have scheduled four public hearings over the next 60 days. Oversight for this activity comes from the Soil and Water Conservation District and they have submitted a request for \$1,500 to support the current activities associated with this program since funding was not provided in the current budget. The Commissioners have a pool of funds for special allocations and events (current balance \$8,800) that could be utilized to provide this funding.

(j) **Mark Watson Park:** Kinsland Trucking Company was the low bidder to remove the rock building at Mark Watson Park within the next 30 days.

(k) **County Assembly Day:** Scheduled on May 22 in Raleigh.

(2) **CONSENT AGENDA:** Mr. Wooten presented one budget amendment and an application for a fireworks display permit for April 6, 2013 at Castle Ladyhawk on Shook Cove Rd. in Tuckaseegee.

***Motion:** Commissioner Elders moved to approve the consent agenda.*

Commissioner Greene seconded the Motion. Motion carried by unanimous vote.

(3) **GREAT SMOKY MOUNTAINS RAILWAY – ECONOMIC DEVELOPMENT LOAN COMMITMENT AGREEMENT:** A public hearing was held on April 1st at 1:40 pm.

Commissioner Cody read a Letter of Intent which states that an Economic Development Loan Agreement is being drafted to provide economic assistance of up to \$700,000 to the Great Smoky Mountains Railway (GSMR). Mr. Coward presented a second draft of the agreement which has been substantially revised, but should not be regarded as the final version.

***Motion:** Commissioner Cody moved to approve the Letter of Intent and continue negotiations with GSMR. Commissioner Elders seconded the Motion.*

Commissioner Greene stated that none of the public speakers at the last regular meeting and at the public hearing spoke in support of providing financing to the railroad. No one has stated that the \$700,000 needs to be in the form of a forgiven loan or a grant. It should be determined during the negotiation process whether or not GSMR is in a position to repay a loan and if there is the potential for repayment. GSMR is promising to create 6 jobs, but it is not known if those jobs will be in Swain or Jackson County. Under normal loan financing arrangements for \$700,000 or \$1.4 million, six jobs is not a very high number. She stated she understands that a multiplier effect was involved and there is the potential for businesses to reopen in Dillsboro.

Mr. Coward explained that the final agreement will be like a loan agreement along with an application. All finances should be reviewed to make sure that a budget can be set up so all parties will know realistically when things are supposed to occur and then a decision can be made on how to address those events once they are reached. A release of funds or some kind of decision would be made by the County as to whether or not repayments would be made or whether they would be forgiven. This would also be based on a benchmark of how many jobs are being created. Because this is for local development funds as defined by the statutes means the County is trying to create jobs. All of these details need to be ironed out and agreed upon before an agreement can be finalized.

Commissioner Cody stated that financial arrangements will be handled in a businesslike manner. There is evidence of what Dillsboro was like before the railroad, what it was like with the train's presence and what it is now. The agreement is for economic development, is what the funds are designated for and the purpose for which the funds will be used. It is not being done to give the railroad any favors - it is for economic development in Jackson County.

Commissioner Elders stated Dillsboro is not the only area that will be affected, but all of the surrounding areas. This is a good economic development project and the County should not delay taking action.

Mr. Coward stated that simply because a dialogue is open, GSMR has already added 12 new excursions which will be originating in Dillsboro.

Motion carried by unanimous vote.

(4) HEALTH INSURANCE - NEW POLICY CONCERNING USE OF TOBACCO PRODUCTS:

The new policy will affect all employees and retirees (under 65 years of age) regardless of hire date. Employees and retirees (under 65 years of age) are required to submit to mandatory substance testing for verification of use or non-use of tobacco products.

***Motion:** Commission Greene moved to adopt the policy. Commissioner Elders seconded the Motion. Motion carried by unanimous vote*

(5) NCDOT UTILITY EASEMENT: Mr. Wooten presented an offer from NCDOT in the amount of \$9,800 for a construction easement (.010 ac.) and a permanent utility easement (.214 ac.) located on SR1001 at Bridge 53 over Cullowhee Creek on county property described in Book 834 at Page 230, Jackson County Public Registry.

***Motion:** Commissioner Cody moved to accept the offer and authorize the Chairman to execute the easement. Commissioner Elders seconded the Motion. Motion carried by unanimous vote*

(6) US 441 CORRIDOR DEVELOPMENT ORDINANCE AMENDMENT:

The amendment addresses internet sweepstakes operations within the corridor. A public hearing was held on April 1 at 1:30 pm and no public comments were made.

***Motion:** Commissioner Elders moved to adopt the amendment. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(7) SMOKY MOUNTAIN REGIONAL HAZARD MITIGATION PLAN RESOLUTION (R13-11):

Todd Dillard, Emergency Management Director, presented a multi-jurisdictional hazard mitigation plan for the westernmost counties and municipalities so they will be eligible for state and federal assistance in the event of a declared disaster affecting western North Carolina. It is a 5-year plan and is completely grant funded. He recommended adoption of the resolution.

***Motion:** Commissioner Greene moved to adopt the resolution. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(8) PARKS and RECREATION TRUST FUND RESOLUTION (R13-12):

Chuck Wooten, County Manager, presented a resolution requesting the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for the Parks and Recreation Trust Fund. He recommended adoption of the resolution.

***Motion:** Commissioner Cody moved to adopt the resolution. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

(9) BUSINESS & INDUSTRY ADVISORY COMMITTEE: Commissioner Greene recommended Roger Bartlett. Mr. Wooten recommended Dr. Don Tomas from SCC.

***Motion:** Commissioner Greene moved to appoint Roger Bartlett and Dr. Don Tomas of SCC. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

Terms will be set at a later date.

(10) PLANNING BOARD: Carry over.

(11) BOARD OF EQUALIZATION & REVIEW:

***Motion:** Commissioner Cody moved to reappoint Gail Cooper, Robert Edwards, Richard Robson, David Noland and Hart Goodson to 1-year terms on the Board of Equalization & Review. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

***Motion:** Commissioner Elders moved to reappoint Gail Cooper to a 1-year term as Chair of the Board of Equalization & Review. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

Public Comments:

(a) Robert Stafford, Glenville, requested assistance in getting the speed limit through Glenville reduced to 35 mph.

(b) Dick Darnall, Cashiers, stated he has concerns about the surface condition of the roads in the crossroads area in Cashiers.

CLOSED SESSION:

***Motion:** Chairman Debnam moved that the Board go into closed session pursuant to G.S. 143-318.11(a)(3) Legal. Commissioner Elders 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.

There being no further business, Commissioner Cody moved to adjourn the meeting. Commissioner Elders seconded the Motion. Motion carried and the meeting adjourned at 3:40 pm.

Attest:

Approved:

Patsy C. Parris, Clerk to Board

W. J. Debnam, Chairman