

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
SEPTEMBER 3, 2013**

The Jackson County Board of Commissioners met in a Regular Session on September 3, 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
Mark Jones, Commissioner
Vicki Greene, Commissioner

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

Chairman Debnam called the meeting to order.

AGENDA: Chairman Debnam amended the Agenda by adding Closed Session, G.S.143-318.11(a)(5) Real Property, G.S.143-318.11(a)(3) Legal and a Budget Amendment. Commissioner Elders moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Greene moved to approve the Minutes of the Work Session and Regular Meeting on August 19, 2013. Commissioner Jones seconded the Motion. Motion carried.

PROCLAMATION HONORING FIREFIGHTERS: Chairman Debnam read a Proclamation honoring firefighters. He thanked all firemen for their service to the county.

Motion: *Commissioner Cody moved to proclaim September 8-14 as Firefighters Week in Jackson County. Commissioner Elders seconded the Motion. Motion carried.*

(1) CHAIRMAN'S REPORT: Chairman Debnam announced that on September 16th a Work Session is scheduled at 2:00 pm at the Justice & Administration Building in Room A227 and the regular meeting will be held at the Caney Fork Substation of the Cullowhee Fire Department at 6:00 pm. He has been involved in a project that area residents may find interesting - OPT N (Initiative) for Western NC (optnwc.org). The website contains a lot of information about the region including a study of the seven westernmost counties including financial, cultural, geographic impact, modes of transportation, education, and welfare of the entire region.

(2) COMMISSIONERS REPORTS:

(a) Commissioner Greene reported that she attended the first Cullowhee Community Planning Steering Committee meeting on August 27th. Scott Baker was elected Chair. The committee reviewed the proposed map and discussed the duties of the committee. The members were made aware that should this committee go forward with an adopted community planning area, one of the things they would be charged with was outreach to the community and making sure there is support for the planning area. She also attended a TDA meeting during which the proposed logo "Play ON" was discussed. She attended the Smoky Mountain Mental Health Board (SMMH) meeting in Asheville on August 29th. SMMH currently serves 15 counties and 8 more from the western Highlands area will be added effective October 1. This will be a consolidation of two area mental health programs; however, there is the possibility that two more areas may be added. SMMH would then cover the entire western part of the state and would be one of the three/four area authorities in the state. There will also be a change in the SMMH Board. It will be made up mainly of service providers and committee users of the services. There will be 4 at-large member slots to which County Commissioners may make recommendations. Currently the two from Region A are Ronnie Beale and Vicki Greene.

(b) Commissioner Jones reported that the Cashiers area has received more than 90 inches of rain this year. Today was the first time he noticed the Tuckaseige running red and suggested that the Planning and Inspections staff ascertain the cause of that situation.

(c) Commissioner Elders reported that he attended the 106th NCACC Conference last week in Greensboro. Mike Edwards of Graham County was reelected to be the area representative; Ronnie Beale of Macon County was elected the Outstanding Commissioner in the state and is the President Elect of the NCACC. Jim Davis was elected as the Senator that is "a true friend of the NC Commissioners". All western counties were well represented and he recommended that more than one representative from Jackson County attend next year's convention.

(d) Commissioner Cody reported that the TWSA Board is trying to develop a new method of transferring sewerage allocation for the entire county especially in the Cashiers area. Community meetings will be held in Sylva and Cashiers to discuss allocations.

(3) COUNTY MANAGER REPORT: Mr. Wooten reported

(a) July Unemployment Rate: Jackson County realized a 0.8% decline in the unemployment rate from 8.8% to 8.0%. The 2013 July rate was also 1.4% less than the 2012 rate. Jackson and Clay County had the lowest unemployment rate of the 6 westernmost counties.

(b) Travel and Tourism Expenditures: Representatives from the NC Department of Commerce, Division of Tourism, Film & Sports Development held a meeting to discuss concerns about the validity of the data that is being reported for tourism expenditures and tourism related jobs. It now appears that everyone agrees that the opening of the casino in 2001 is the basis for the information that is being reported. In 2001, approximately \$148 million was added to Swain County and it represented the tourism expenditures that take place once people leave the boundary and the casino. Because Swain County has the largest percentage of its annual sales attributed to tourism, this entire amount was assigned to Swain County. In 2001, Jackson County had a decline of \$350,000 in tourism expenditures while Swain County has an increase of \$147.59 million in tourism expenditures. There was a good discussion about whether this amount should have been spread across more of the western counties; however, without additional data to support the allocation, the expenditures have remained in the Swain County numbers. The County agreed to look at all available data to determine if it can provide a basis for redistributing these expenditures. The Commissioners, Jackson County TDA, Jackson County Chamber of Commerce, Smoky Mountain Host, and Western Carolina University also attended the meeting.

(c) **Community Shredder Event:** A commercial shredder company will be on site at the Justice Center on September 13th from 9:00 am until 1:00 pm or until the truck is full.

(d) **Economic Development Director:** The first round of interviews is scheduled this week. Hopefully, a recommendation for the Board to consider will be available at the September 16th meeting.

(e) **Courtroom Space in the Justice Center:** He met with representatives from Heery Design to discuss possible renovations to the courtroom space. This company was the designer for the Haywood County Courthouse which is recognized as a model for security and overall space design. He asked the firm to provide a proposal to conduct a needs assessment of the courtrooms and court related activities space needs. When the proposal is available, he will share it with the Commissioners and discuss the possible next steps.

(4) **CONSENT AGENDA:** Darlene Fox, Finance Director, presented two budget amendments and a Capital Project-Greenway Project Ordinance.

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

(5) **TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN:** Chuck Norris, Transit Director, stated that every three years each transit system in the state is required to complete a Coordinated Public Transportation and Human Services Transportation Plan. Also, projects funded through enhanced mobility of seniors and individuals with disabilities (5301 program funding) and rural area formula grants (5311 program funding) require the development of a local coordinated public transit-human services transportation plan which should incorporate private and non-profit transportation and human services providers and the general public. NCDOT PTD requires approval from the governing board to each transit system. He requested approval of the final Human Services Transportation Plan.

***Motion:** Commissioner Cody moved to approve the plan. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(6) **COMMUNITY SERVICE BUILDING:** Mr. Wooten stated that each year the state distributes funds to the counties to reimburse them for the revenue generated from services provided to Medicaid eligible recipients. The state retains 10% of the county's earned income and annually distributes the remaining balance to the counties. In the past several years a large portion of these funds have been used to offset the deficit of the dental clinic. In FY12-13, the dental clinic deficit was \$185,489.70; however, the Health Dept. had unspent budget funds that exceeded this amount therefore the full Medicaid cost settlement will flow to the county's fund balance.

In prior work sessions, improvements to the Community Services Building have been discussed. The Health Dept. has identified some much needed space needs for their intake area which could possibly be addressed by converting a portion of the former large meeting room into office space. He recommended that the Board consider taking an amount equal to the Medicaid Cost Settlement, \$403,407, and transfer that amount into the Capital Reserve Fund designated for renovations to the Community Services Building.

If approved, an architect would be engaged to meet with Health Dept. staff to evaluate existing space and identify the most critical areas in need of renovations or upgrades. A final list would be presented to the Board for discussion and approval once the renovation projects have been identified and a cost estimate has been established. If approved, the funds would be released to complete as many projects as the funding will allow. This would be the first significant funding for improvements to this facility over the last 5 years.

Motion: Commissioner Jones moved to approve transferring \$403,407 into the Capital Reserve Fund and designated for renovations to the Community Services Building. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.

(7) **DANDELION DRIVE:** Mr. Wooten stated that in June 2003 a resolution and petition was approved requesting the Department of Transportation (DOT) to add Dandelion Drive to its maintenance system. Subsequently, a letter dated November 5, 2004 from the DOT stated that Dandelion Drive had been denied because “*The cost to put the road in acceptable maintenance condition must not be excessive for the amount of service which it will render*”.

Mr. Wooten, along with county staff Todd Dillard, Robby Shelton, and Tony Elders, visited the site. Apparently there is no formal road maintenance agreement in place. They were informed that one person has been doing most of the maintenance and he has reached the point that help is needed. There is nothing the County can offer to remedy the situation which has been discussed with one of the property owners, Mr. Townsend, who requested the County write a letter to all the property owners encouraging them to think about drafting a road maintenance agreement. The Code Enforcement & Erosion Control office has suggested things the property owners could do to stabilize the road in a couple of areas, but that will cost money and man power, but thus far the community has not been willing to participate.

(8) **MEALS ON WHEELS:** Eddie Wells, Dept. on Aging Director, stated that at the end of June – 78 clients served with 32 on the waiting list and at the end of August – 105 clients served with 11 on the waiting list. The low numbers in June were attributed to attrition during that month. An additional 17 clients have been enrolled since the August 19th meeting. Among the 11 clients currently on the waiting list, 3 are currently in a nursing facility awaiting discharge and 3 are outside of the current delivery routes (attempting to serve with frozen meals). Approximate annual cost of meals per client is \$1,220.00. Current volunteers can serve the waiting list; however, they are maxed out and routes need to be divided into less per volunteer which will require more volunteers.

Volunteers needed for:

- Vacancies in the Wilmont and Whittier routes.
- After summer season, volunteers needed in Savannah
- Two additional volunteers in Wilmont and Whittier.
- Substitutes needed for Balsam and Tuckaseegee

(9) **JUNK CAR ORDINANCE UPDATE;** Gerald Green, Planning Director, stated the Planning Department has received complaints regarding the storage of junked vehicles on properties in the county. Storage of junked vehicles is not addressed in any county ordinance except that when storage is part of a commercial operation that meets the definition of a junk yard as set forth in the Industrial Development Ordinance:

“Any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap metal, or other junk and including storage of junked vehicles or machinery and dismantling of such vehicles or machinery.”

A junked vehicle is defined in the ordinance as:

“A motor vehicle that (1) is partially dismantled or wrecked; (2) cannot be self-propelled or moved in the manner in which it was originally intended to move; (3) is more than five years old and appears to be worth less than one hundred dollars (\$100) ; or (4) does not display a current license plate when the motor vehicle is required by laws of this state to have such a license plate to operate on public roads, unless stored within an enclosed structure.”

If a junked vehicle is located within a junk yard as defined in the ordinance, standards for setbacks from property lines and for screening of the vehicles with landscaping and/or solid fencing must be met. It is the opinion of the County Attorney and the Planning Dept. that the provisions of the ordinance requiring setbacks and screening of commercial junk yards can be enforced. It should be noted that this ordinance addresses only those junk yards, and the junked vehicles located therein, operated as a commercial operation. Storage of junked vehicles for non-commercial purposes is not addressed in the ordinance. Therefore, some complaints regarding the storage of junked vehicles cannot be resolved with the ordinances currently in place.

He recommended that the provisions of the ordinance requiring the setback from property lines and screening of junk yards as defined in the Industrial Development Ordinance be enforced as complaints are received. He further recommended that the Planning Board review the junk yard provisions of the ordinance to identify possible revisions and address concerns with past and future enforcement.

(10) TRANSIT VEHICLES CONVERSION TO PROPANE - RESOLUTION

(R13-22): Chuck Norris, Transit Director, presented a resolution which approves the agreements for conversion of Transit vehicles to propane and authorizes the County Manager to sign the agreements and related documents.

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

(11) TRANSIT ADVISORY BOARD: Carry over.

(12) PLANNING BOARD:

Motion: *Commissioner Cody moved to reappoint Ben Bergen to a 3-year term on the Planning Board. Commissioner Greene seconded the Motion. Motion carried by unanimous vote.*

Motion: *Commissioner Jones moved to reappoint Tom Rodgers to a 3-year term on the Planning Board. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

Motion: *Commissioner Elders moved to reappoint David Brooks to a 3-year term on the Planning Board. Commissioner Cody seconded the Motion. Motion carried by unanimous vote.*

Motion: *Commissioner Greene moved to appoint Sarah Graham to a 3-year term on the Planning Board. Commissioner Elders seconded the Motion. Motion carried by unanimous vote.*

(13) PLANNING BOARD –CHAIRMAN:

Motion: *Commissioner Jones moved to reappoint Zachary Koenig to a 1-year term as Chairman of the Planning Board. Commissioner Cody seconded the Motion. Motion carried by a unanimous vote.*

(14) PLANNING BOARD – VICE CHAIRMAN:

Motion: *Commissioner Cody moved to reappoint Clark Lipkin to a 1-year term as Vice Chairman of the Planning Board. Commissioner Elders seconded the Motion. Motion carried by a unanimous vote.*

(15) BOARD OF ADJUSTMENT: Gerald Green, Planning Director, stated that some form of appeals board is required since it is likely there will be a time when a citizen wishes to appeal to an administrative officer or requests a variance from a standard set forth in a county ordinance. There are options for providing for hearing of appeals and requests for variances:

- (a) Reappoint the current members or appoint new members and continue to maintain the Board of Adjustment as a separate and distinct board.
- (b) Designate and authorize the Planning Board as the Board of Adjustment to hear administrative appeals and requests for variances.
- (c) Designate and authorize the Board of Commissioners as the Board of Adjustment to hear administrative appeals and requests for variances.

Carry Over.

Informal Comments by Public:

(a) Marie Leather of Sylva stated her continued disapproval of the actions of the Board regarding tax revaluation, GSMR, delinquent tax foreclosures and the proposed fire tax.

(b) Ron Robinson thanked the Board and Gerald Green for their actions in getting notifications out concerning public meetings.

(c) Mary Jo Cobb of Tuckasegee stated her husband has delivered meals for several years and all volunteers do this gladly. A great amount of time and work goes into identifying recipients' needs, changes, and circumstances. The congregant meals are also an important service and a real need to the senior population. The meals provide an opportunity to meet with friends and are a way of helping families who may not be able to prepare food and/or in many cases it is their last independence before requiring nursing home care. The senior center is a real treasure and is something everyone is proud of and she dislikes hearing or seeing negative comments in the press. Volunteers are greatly needed for the meal programs and the department should receive the financial help needed to serve the senior citizens.

(d) Rick Gorton of Sylva referred to a letter he received last week from the National September 11 Memorial Museum in New York City requesting that a Jackson County 9/11 quilt made by Laura Nelle Goebels, a County resident, be permanently transferred into the museum's care and educational stewardship. In his opinion the only honorable way to transfer the quilt would be to have him and a photographer, who has volunteered, hand deliver the quilt and have a photograph of the event as it is being handed over to the museum for permanency. He requested a monetary donation to assist in the costs of hand delivering the quilt to New York City to be displayed on September 11.

Press Conference

CLOSED SESSION:

Motion: *Commissioner Greene 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 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 Jones moved to adjourn the meeting. Commissioner Cody seconded the Motion. Motion carried and the meeting adjourned at 4:30 p.m.

Attest:

Approved:

Patsy C. Parris, Clerk to Board

W. J. Debnam, Chairman