

Posted: \_\_\_\_\_  
Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witness: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
DECEMBER 5, 2005**

The Jackson County Board of Commissioners met in Regular Session on December 5, 2005, at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman  
Roberta Crawford, Vice Chair  
Joe Cowan, Commissioner  
Conrad Burrell, Commissioner  
Eddie Madden, Commissioner  
Kenneth L. Westmoreland, County Manager  
W. Paul Holt, Jr., County Attorney  
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the meeting to order.

**AGENDA:** Commissioner Burrell moved to approve the Agenda. Commissioner Crawford seconded the Motion. Motion carried.

**MINUTES:** Commissioner Madden moved to approve the Minutes of the Work Session of November 3, 2005, Public Hearing of November 7, 2005 and Regular Meeting of November 7, 2005. Commissioner Burrell seconded the Motion. Motion carried.

**INFORMAL COMMENTS BY THE PUBLIC:** None.

**(1) FINANCE & TAX COLLECTOR REPORTS FOR NOVEMBER 2005:**

Darlene Fox, Finance Director, presented the following highlights:

<u>General Fund Revenues Collected to Date</u>	<u>\$ 15,402,796.26</u>
<u>General Fund Expenditures to Date</u>	<u>\$ 16,052,938.09</u>
<u>Ad Valorem Tax Collected</u>	<u>\$ 10,078,305.45</u>
<u>Motor Vehicle Tax Collected</u>	<u>\$ 359,190.13</u>
<u>Sales &amp; Use Tax for September 2005</u>	<u>\$ 797,105.64</u>
<u>Landfill Disposal Fees Collected</u>	<u>\$ 571,076.44</u>
<u>Contingency Balance</u>	<u>\$ 178,966.57</u>

**(2) CHAIRMAN'S REPORT:** Chairman McMahan reported:

- (a) TWSA has received a \$2 million grant from the Clean Water Management Trust Fund which will be used to rehabilitate the sewer lines in the Sunrise Park community.
- (b) He and Mr. Westmoreland attended the Southwestern Commission Region A meeting on November 28<sup>th</sup>. Prior to that meeting, a presentation entitled "Water 2030" was given which is a statewide study assessing where the state is and will be in terms of clean water and sewer systems in 25 years. A final report should be available in February 2006.

- (c) He thanked the Grounds and Maintenance Depts. for their assistance with Christmas decorations at the Historic Courthouse.
- (d) He received a letter from the N. C. Dept of Health & Human Services requesting that the Assoc. of County Commissioners define the regions and service areas for mental health. The NCACC states this should be done by the counties.
- (e) Employees Awards/Christmas Luncheon, December 15<sup>th</sup>, 12 noon at WCU.

**(3) COMMISSIONERS REPORT:**

- (a) Commissioner Cowan reported that he has been requested to serve on a task force with the Sheriff's Office in conjunction with Community Health Link to study how to curb drug use in the county.
- (b) Commissioner Madden reported that the Cashiers Christmas Parade is scheduled for Saturday, December 10<sup>th</sup>, 1:00 p.m.

**(4) COUNTY MANAGER'S REPORT:** Mr. Westmoreland presented a tentative budget calendar for FY06-07 and suggested that a budget planning retreat be scheduled on January 9, 2006.

**(5) PLANNING DEPT. REPORT:** Linda Cable, Planning Coordinator, distributed a draft copy of the Land Development Plan. The development team plans to give a power point presentation in a joint meeting with the county and municipalities in early February 2006.

Six Erosion Control Permits and two cell tower permits have been issued during the month of November.

**(6) WATERLINE AGREEMENT W/TWSA ACROSS LIBRARY PROPERTY, SYLVA:** Attorney Holt drafted a deed from the County to TWSA for a water line easement across the proposed Jackson County Library Property in Sylva. Because this matter has been carried over several times, Chairman McMahan suspended the rules and Commissioner Madden moved to authorize the Chairman to execute the Deed. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(7) HOOPER RIGHT OF WAY AGREEMENT, SCC CASHIERS:** Carry over.

**(8) CASHIERS SRC IMPROVEMENT BIDS:** Mr. Westmoreland stated that three qualified bids were received; however, the county is awaiting written permission from the Forest Service for the inert material to be left on site before a recommendation can be made because the bid price will be lowered if the material can be left on site.

**(9) MUNICIPAL GRANTS:** Carry over.

**(10) N. C. FOREST SERVICE PROPERTY:** Mr. Westmoreland explained that SCC's long range plans involve the acquisition of two adjoining tracts of land comprising of the local school bus garage and the Forest Service District Office. The present Forest Service property deed contains a reversionary clause that specifies that if the property is not used for Forest Service purposes it reverts back to Jackson County ownership (Deed Book 252, page 147). That provision prohibits a direct land swap between SCC and the

Forest Service. The State Property Office has requested that the Board of Commissioners authorize the removal of the reversionary clause from the deed to allow for a property exchange. Attorney Holt was directed to prepare the appropriate document and present it at the December 19<sup>th</sup> meeting.

(11) **JACKSON COUNTY ART COUNCIL:** Ray Menze, President of the Jackson County Arts Council reported that it has received a windfall appropriation from the state in the amount of \$5,330.00. The total grant is \$13,735.00 and must be matched with local funds. The Arts Council requested that the county provide additional funding in the amount of \$5,330.00. Mr. Westmoreland will make a recommendation and funding source at the next meeting.

(12) **RESOLUTION (R05-31) COMMUNITY TRANSPORTATION PROGRAM:** A public hearing was held at 5:45 p.m. on December 5<sup>th</sup> and no objections were raised. This grant is applied for each year and provides substantial administrative and capital assistance to the county transportation program. The total project amount requested is \$226,537.00 and the local share will be \$30,424.00. Because of the deadline for filing the grant application, Chairman McMahan suspended the rules and Commissioner Cowan moved to adopt the Resolution. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

(13) **RESOLUTION (R05-32) PILOT KNOB RD. ABANDONMENT:** A public hearing concerning the abandonment was held at 5:30 p.m. on December 5<sup>th</sup> and since no objections were raised, Chairman McMahan suspended the rules and Commissioner Madden moved to adopt the Resolution. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(14) **PETITION TO ABANDON A PORTION OF JOE FOWLER RD:** Phil Fowler presented a petition requesting that the Board approve the abandonment of a portion (1/10<sup>th</sup>) mile of Joe Fowler Rd. (SR1173A) from the state's maintenance system. Mr. Fowler stated that no other property owner would be affected. Commissioner Madden moved that a Public Hearing be scheduled on December 19<sup>th</sup> at 5:30 p.m. Commissioner Crawford seconded the Motion. Motion carried by unanimous vote.

(15) **APPOINTMENTS TO CASHIERS DESIGN REVIEW BOARD:** Carry over.

(16) **APPOINTMENTS TO CASHIERS PLANNING COUNCIL:** Commissioner Cowan moved that Marty Jones be appointed as an alternate to the Cashiers Planning Council. Commissioner Burrell seconded the Motion. Motion carried by unanimous vote.

Commissioner Burrell moved that the Board go into Closed Session pursuant to G. S. 143-318.11(a)(3)Legal. Commissioner Cowan seconded the Motion. Motion carried.

Chairman McMahan called the Open Session back to order and reported no action or votes were taken in Closed Session.

There being no further business, Commissioner Crawford moved that the meeting be adjourned. Commissioner Burrell seconded the Motion. Motion carried and the meeting adjourned at 7:20 p.m.

Attested By:

Approved:

---

Evelyn B. Baker  
Clerk to the Board

---

Brian Thomas McMahan, Chairman

