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Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF A REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
FEBRUARY 15, 2010**

The Jackson County Board of Commissioners met in a Regular Meeting on February 15, 2010 at 6:30 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Tom Massie, Vice Chair
William Shelton, Commissioner
Joe Cowan, Commissioner

Ken Westmoreland, County Manager
Evelyn B. Baker, Clerk to Board
W. Paul Holt, Jr., County Attorney

Absent: Mark Jones, Commissioner

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan amended the agenda by adding SMH Show Choir Festival and Designation of Applicant's Agent Resolution. Commissioner Shelton moved to approve the amended Agenda. Commissioner Cowan seconded the Motion. Motion carried.

MINUTES: Commissioner Cowan moved to approve the Minutes of the Public Hearing and Minutes of the Regular Meeting of February 1, 2009. Commissioner Massie seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

- (a) Marie Leatherwood of Sylva stated she disagrees with the statements that the county has done everything it can to resolve the EDC/JDC issues relating to the use of public monies.
- (b) Carl Iobst of Cullowhee stated that TWSA continues to cause more sewage spills and the EDC/JDC issues continue unresolved.
- (c) Jim McCarthy of Greens Creek stated the GablerMolis letter of engagement did not state it would be performing an audit, only an investigation.

(1) **CHAIRMAN'S REPORT:** Chairman McMahan stated that he, Commissioner Massie, Mr. Westmoreland and Ms. Fox met with Joel Chambers of GablerMolis about preparing an EDC financial history. The previous CPA firm, Burleson & Earley, had declined to continue their work on the 2007 audit for the EDC and GablerMolis was asked to prepare the 2007 audit for the EDC. GablerMolis was also asked to investigate all of the data available and determine, as best it could, the financial history of the EDC. Once the financial investigation was completed, and if sufficient data existed, then the GablerMolis would be engaged to conduct audits for the missing years prior to 2007. The firm was unable to locate sufficient information with which to prepare any substantive financial reports/history or audits. GablerMolis sent the county a letter dated December 21 which stated they were resigning due to a lack of sufficient documentation.

(2) **COMMISSIONERS REPORTS**: Commissioner Shelton stated that February is national spay/neuter month. The Jackson County Humane Society will be holding a fundraiser at the Balsam Mountain Inn on February 23.

(3) **FINANCE, TAX COLLECTOR REPORTS FOR JANUARY 2010 and BUDGET AMENDMENT**: Darlene Fox, Finance Director, presented the finance and tax collector's reports for the month of January 2010 and one budget amendment.

***Motion:** Commissioner Massie moved to approve the finance & tax collector's reports for January 2010 and one budget amendment. Commissioner Shelton seconded the motion. Motion carried by unanimous vote.*

(4) **WAYNE SMITH/JACK-IN-THE-BOX, INC. APPEAL**: Due to conflicts, the appeal hearing is rescheduled on March 25, 2010 at 6:00 p.m.

(5) **AERIAL PHOTOGRAPHY CONTRACT**: Mr. Westmoreland stated it has been about five years since the last over-flight for aerial photography. A professional consultant was engaged to assist in analysis of the proposals and development of the contract. He recommended Kucera International Inc. of Ohio be awarded a contract to provide aerial/surveying mapping services. The contract work should be completed by August 30, 2010 at a cost of \$78,150. The cost of the entire project, including consultant fees, is approximately \$85,000. Through a change in the utilization of 911 Funds, the entire project is eligible to be paid from those funds.

***Motion:** Chairman McMahan moved to approve the contract. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(6) **LIBRARY – McMILLAN/PAZDA/SMITH ARCHITECT CONTRACT**: Mr. Westmoreland stated there is apparently a misunderstanding concerning the percentage amount for architect fees. The original contract in 2006 was 7.5% for a new 25,000 sf structure at a new site. After the decision was made in 2007 to build the library at the old courthouse site, the McMillan firm contends a new contract was sent changing the percentage to 8% because of a change in the scope of the project to include renovation of the old courthouse. Mr. Holt stated a change in the scope of work causes a change in the contract. Mr. Westmoreland will contact the firm and negotiate the percentage. Carry over.

(7) **SMH SHOW CHOIR FESTIVAL**: The SMH Show Choir is working to raise funds to pay for an educational trip to New York City in April.

***Motion:** Chairman McMahan moved to appropriate \$1,000 from the contingency fund to the SMH Show Choir. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(8) **CASHIERS COMMERCIAL DISTRICT AREA ORDINANCE AMENDMENTS (O2010-01, O2010-02)**: Carry over due to continued inclement weather in the Cashiers area.

(9) CODE OF ORDINANCES (O2010-03): The ordinance addresses administrative responsibilities, assigning to the Board of Adjustment the responsibility to hear appeals and requests for variances, and assigning to the planning department the responsibility to administer various ordinances. The planning board has reviewed and recommends adoption. A public hearing was held on February 15, 2010 at 6:00 p.m. and no public comments were made.

Motion: *Commissioner Massie moved to adopt the Ordinance. Commissioner Shelton seconded the motion. Motion carried by unanimous vote.*

(10) SMOKY MOUNTAIN CENTER RESOLUTION (R10-05):

Commissioner Cowan stated the Watauga property will be used for mental health services/office space. He will ascertain what entity will hold title. Carry over.

(11) DESIGNATION OF APPLICANT'S AGENT RESOLUTION (R10-06):

The resolution is the designation of Darlene Fox, Finance Director, as the county's agent to execute and file applications for federal and/or state disaster assistance.

Motion: *Commissioner Cowan moved to adopt the resolution. Commissioner Shelton seconded the motion. Motion carried by unanimous vote.*

(12) CEMETERY BOARD:

Motion: *Chairman McMahan moved to appoint Billie J. Bryson to fill the unexpired term of Mr. Frady on the Cemetery Board. Commissioner Massie seconded the motion. Motion carried by unanimous vote.*

(13) CASHIERS PLANNING COUNCIL: Carry over.

(14) BOARD OF ADJUSTMENT APPOINTMENTS: Carry over.

(15) HISTORIC PRESERVATION COMMISSION: Carry over.

(16) TOWN OF WEBSTER BOARD OF ADJUSTMENT from ETJ: Carry over.

CLOSED SESSION:

Chairman McMahan stated there was a need for a closed session pursuant to G. S. 143-318.11(a)(4) Business Expansion (Clearwood).

Motion: *Commissioner Cowan moved that the Board go into closed session. Commissioner Shelton seconded the Motion. Motion carried.*

Chairman McMahan 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 Shelton moved to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 8:00 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman