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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
JANUARY 5, 2009**

The Jackson County Board of Commissioners met in a Regular Meeting on January 5, 2009 at 6:00 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman	Kenneth L. Westmoreland, County Manager
Tom Massie, Vice Chair	W. Paul Holt, Jr., County Attorney
Joe Cowan, Commissioner	Evelyn B. Baker, Clerk to Board
William Shelton, Commissioner	
Mark Jones, Commissioner	

Chairman McMahan called the meeting to order.

AGENDA: Commissioner Massie moved to approve the Agenda. Commissioner Shelton seconded the Motion. Motion carried.

MINUTES: Commissioner Jones moved to approve the Minutes of the Organizational Meeting of December 1, 2008 and Regular Meeting of December 1, 2008. Commissioner Massie seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) David Galloway of Cullowhee stated he was appearing on behalf of Marie Leatherwood who was out of town. He stated her concerns with the delinquent EDC audits for 2002, 2003, 2004 and 2005, inadequate definitive information in the 2006 audit, and questioned EDC being allowed to retain JDC's \$300,000 after the county paid \$1,674,000 in JDC debts.

(b) Carl Iobst of Cullowhee stated that the subdivision, steep slope and other smart growth ordinances should be strengthened so county should remain a better place to live and grow.

(c) Mary Otto-Selzer of Caney Fork stated the Friends of the Library have raised approximately one-half of their \$1.6 million goal for furnishings and equipment for the new library and pay for fundraising activities. She stated the library groundbreaking ceremony is scheduled on April 4 at 10:00 a.m.

(d) Jim McCarthy of Greens Creek requested that the copying cost at the library be reduced from \$0.25 to \$0.10 and, if reduced, an anonymous donor will contribute \$1,000 to help offset copying costs. He requested that in the future the Board clarify the exact purpose of closed sessions rather than just quote statutes.

(1) CHAIRMAN'S REPORT: Chairman McMahan reported:

(a) Due to the Martin Luther King, Jr. holiday, the second monthly meeting has been rescheduled on January 20.

(b) Budget work sessions are scheduled on February 5 at 5:30 pm and February 12 at 5:00 pm.

(2) COMMISSIONERS REPORTS: Commissioner Massie reported that the Water Study Task Force met in December and has scheduled two meetings in January and anticipates having recommendations addressing the immediate drought available for the next joint meeting with the municipalities. He reported that a legal expert from the School of Government has agreed to facilitate a joint meeting with the school board concerning a bus garage.

(3) COUNTY MANAGER'S REPORT: Mr. Westmoreland reported:
(a) DEHNR will be requiring a **monitoring** study of the original well located at Andrews Park and the costs associated with improvements will be expensive. (b) A ribbon cutting ceremony was held at the Fairview Kindergarten building on December 12. (c) The county should be in position to put the new library project out for bids by mid-February.

(4) FINANCE & TAX COLLECTOR REPORTS FOR NOVEMBER & DECEMBER 2008 and BUDGET AMENDMENTS: Carry over.

(5) FIRE SUPPORT SERVICES JOB DESCRIPTION: Carry over in order for Attorney Holt to review the job description. Commissioner Massie stated that if it meets with the county attorney's approval, then it should be approved; however, in view of the state of the economy, filling the positions should be delayed. Commissioner Jones recommended that filling the positions not be delayed past July 1, 2009. Chairman McMahan stated the positions will be reviewed during upcoming budget meetings.

Chairman McMahan suspended the rules and Commissioner Massie moved to amend the Agenda by adding "Hiring Freeze". Commissioner Jones seconded the Motion. Motion carried.

(6) HIRING FREEZE: Commissioner Massie stated he understands the state is expecting a \$3 billion deficit this year and has placed a freeze on hiring. DOT laid off its retired temporary employees in December and will lay off all other temporary employees at the end of January. Commissioner Massie moved that the county implement a hiring freeze of existing and new positions until further notice with the exception of critical positions which must first be recommended by the county manager and approved by the Board. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.

(7) SMART ROADS UPDATE: Jeanette Evans, Smarts Road Chair, stated that the county's current Land Use Plan leaves the DOT open to operate and lead the Task Force under its own assumptions including population growth, new construction and development. She requested the county give the Smart Roads Task Force goals so that the final transportation plan will honor and respect the rural and scenic nature of the county. She recommended that the Land Use Plan be strengthened or expanded because it does not address transportation issues with enough specificity. She stated DOT appears to be eager to complete the planning phase; however, the county should consider preserving open and/or green spaces before a connector road is built. She suggested that the county may want to consider a 107 Corridor Development Plan. Commissioner Cowan stated he has not seen recommendations from the Smart Roads Task Force in the past six years and

the county should support DOT. Commissioner Shelton stated that progress is being made with the task force. Ms. Evans stated the role of the Smart Roads Task Force is to make transportation decisions as open as possible and ensure that the communities have input. Commissioner Massie stated that the Land Use Plan developed by the planning board should be presented to the entire task force as well as DOT. Linda Cable, Planning Director, will be requested to make a presentation to the Transportation Task Force.

(8) GDS CONTRACT: GDS requested, pursuant to the terms of its contract, a 3.7% rate adjustment based on the consumer price index. Mr. Westmoreland stated an adjustment would result in an approximate \$27,000 deficit in the Solid Waste budget; however, the contract does provide for a CPI increase. Chairman McMahan moved to approve the CPI adjustment. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(9) DeSOTA TRAIL - SCRAP METAL REMOVAL CONTRACT: Bids for the removal and purchase of scrap metal and disposal of Freon were solicited. DeSota Trail Construction was the highest of three bidders and submitted a 3-year contract. The company will remove and purchase scrap metal at the rate of \$5.00 per hundred-weight and will dispose of Freon using properly licensed personnel. Mr. Westmoreland recommended approval of the contract. Commissioner Massie moved to award the contract to DeSota Trail Construction. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(10) CASHIERS WATER WORKS: Mr. Westmoreland stated that McKee Properties, Inc. presented a proposal for the sale of Cashiers Water Works. Altamont Engineering conducted a three-day drawdown test on the Cashiers Water Works well which reflected the actual output was 110 gals/minute which exceeded the represented amount of 100 gals/minute. He recommended that the county proceed with the acquisition of Cashiers Water Works contingent upon the NC Utilities Commission approving the transfer. The purchase price is \$350,000 and would be allocated from the special public work projects budget. Mr. Westmoreland stated the Cashiers Rec Center sitework contract provides for upgrading the “Nichols” well to a community well; however, if the Cashiers Water Works acquisition is finalized, the county would switch water sources and save approximately \$250,000 allocated for the upgrade. Commissioner Cowan moved to approve the acquisition of Cashiers Water Works subject to approval by the NC Utilities Commission. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(11) GREENWAYS COMMISSION RESOLUTION (R09-01): The four municipalities adopted resolutions rescinding the Greenways Commission Interlocal Agreement. Commissioner Massie moved to adopt a resolution rescinding the Greenways Commission Interlocal Agreement. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(12) GREENWAYS ADVISORY COMMITTEE: Commissioner Massie moved to appoint Alex Bell, Annette Kesgen and Commissioner Mark Jones to 3-year terms, Kent Cranford, Sarah Graham, and Allan Grant to 2-year terms, Billie Bryson, Linda Dickert and James Wallace to 1-year terms. Commissioner Jones seconded the Motion. Commissioner Cowan recommended that a representative from the Qualla area also be appointed. Motion carried by unanimous vote.

(13) SOUTHWESTERN COMMISSION REVOLVING LOAN BOARD: Commissioner Cowan moved to reappoint Alvin Styles to a two-year term on the Southwestern Commission Revolving Loan Board. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(14) WATERSHED REVIEW BOARD: Carry over.

(15) 441 CORRIDOR STEERING COMMITTEE: Commissioner Shelton moved to appoint Mary Helen Clement as an alternate on the 441 Corridor Steering Committee. Chairman McMahan seconded the motion. Motion carried by unanimous vote.

(16) AIRPORT AUTHORITY: Commissioner Cowan moved to appoint William L. Crawford to fill the unexpired term of John Glenn on the Airport Authority Board. Commissioner Massie seconded the motion. Motion carried by unanimous vote.

(17) NCACC LEGISLATIVE LIAISON: Commissioner Jones moved to appoint Chairman McMahan as the county's legislative liaison. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

Chairman McMahan moved that the Board go into closed session pursuant to G. S. 143-318.11(a)(5) Real Property (sale of Tuckasee Mills' property or a portion thereof). 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 other than approval of minutes.

There being no further business, Commissioner Cowan moved to adjourn the meeting. Commissioner Shelton seconded the Motion. Motion carried and the meeting adjourned at 8:15 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman

