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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
MAY 18, 2009**

The Jackson County Board of Commissioners met in a Regular Meeting on May 18, 2009 at 6:30 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman	Ken 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: Chairman McMahan added Dillsboro Heritage Park and Hwy. 107/64 Connector. Commissioner Shelton moved to approve the amended Agenda. Commissioner Jones seconded the Motion. Motion carried.

MINUTES: Commissioner Massie moved to approve the Minutes of the Public Hearing of May 4, 2009 and Regular Meeting of May 4, 2009. Commissioner Cowan seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

- (a) Marie Leatherwood of Sylva stated that how tax monies were used by EDC and JDC is public business. The EDC audits for 2002–2005 remain outstanding.
- (b) Susan Leveille of Sylva stated she understands there are plans to upgrade the sewer plant and requested that some attention be given to reduction of the constant noise issue at the plant.
- (c) T. J. Walker of Dillsboro stated that some time restriction should be placed on truck traffic in connection with the sewer plant upgrade. Big dump trucks from the APAC asphalt plant in Dillsboro already create a lot of noise and he has had customers leave his establishment because of early morning noise.
- (d) Chris Cooper of Sylva stated that future highway improvements should include plans for bike lanes.
- (e) Starlotte Deitz of Dillsboro presented petitions containing approximately 200 signatures of citizens who support saving the Dillsboro Dam.
- (f) Emma Wertenberger of Dillsboro stated she supports adoption of the Historic Preservation Commission Ordinance.

(1) FINANCE & TAX COLLECTOR REPORTS FOR APRIL 2009 and BUDGET AMENDMENTS: Darlene Fox, Finance Director, presented financial reports for the month of April and two budget amendments.

Motion: Commissioner Shelton moved to approve the Finance & Tax Collector's Reports for April 2009 and Budget Amendments. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(2) **CAPITAL PROJECT ORDINANCE**: The Project Ordinance is for the library project in the total amount of \$8,507,581. The revenue for the project would be from a loan and Friends of the Library.

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

(3) **DILLSBORO PARK**: As part of the county's overall Recreation Master Plan, Equinox Environmental Consultation & Design was requested to conduct a feasibility study identifying recreational activities based on opportunities surrounding Dillsboro. Dena Shelly of the firm gave a power point presentation depicting conceptual plans for a water park in Dillsboro. Two plans were presented: (a) a park including the dam; (b) an alternate park without the dam.

(4) **SOLID WASTE 3-YEAR UPDATE OF THE 10-YEAR PLAN**: A public hearing was scheduled on June 1, 2009 at 6:15 p.m.

(5) **IDENTITY THEFT PREVENTION PROGRAM**: The Identity Theft Prevention Program was developed pursuant to the Federal Trade Commission's Red Flag Rule which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. The County Manager and Finance Director recommended approval of the program because of the county's size, complexity of operations and accounting systems, in addition to the nature and scope of its activities.

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

(6) **AUDIT CONTRACT FOR FY2008-09**: Dixon Hughes PLLC submitted a contract and engagement letter for the audit period beginning July 1, 2008 and ending June 30, 2009. The audit fee is \$58,200 plus \$20,000 for preparation of a financial statement.

Motion: *Commissioner Shelton moved to approve the contract. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(7) **WORKERS COMP PARTICIPATION AGREEMENT FOR 2009-10**: The Annual Participation Agreement is for the county to join the N. C. Association of County Commissioners Joint Risk Management Agency Workers' Compensation Fund.

Motion: *Commissioner Massie moved to approve the agreement. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(8) **PROPOSED FY2009-10 BUDGET**: Mr. Westmoreland presented the proposed FY2009-10 Budget along with an Executive Summary. He stated the budget is balanced without the need of a reduction of services, personnel, fee adjustment, or general ad valorem tax rate increase. A public hearing will be scheduled at a later date.

(9) HIGHWAY 107/64 CORRIDOR EASEMENT: Consolidated Metco of Cashiers has closed its plant and offered to sell the county an easement across its property for the sum of \$25,000. DOT will pay for construction of the connector road. The \$25,000 would be appropriated from the balance of the Cashiers Rec Center sitework.

Motion: *Commissioner Jones moved to purchase the easement for \$25,000. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

(10) RESOLUTION BIKE LANE ON HIGHWAY 107 SOUTH (R09-10): At the last meeting, several cyclists asked that the county request DOT to include a bike lane in the scheduled plans for improvements to Hwy. 107 South to Tuckaseegee.

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

(11) RESOLUTION-GREAT SMOKY MOUNTAINS NATIONAL PARK (R09-11): The resolution commemorates the 75th anniversary of the park.

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

(12) RESOLUTION AUTHORIZING FILING APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT (R09-12): The resolution is for authorization to file an application for approval of a financing agreement with the Local Government Commission for a new Jackson County Library and SCC Bond Match. Provisions are already in the budget to fund the project this fiscal year and there is no need for a tax increase.

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

A Public Hearing addressing the financing agreement was scheduled on June 1, 2009 at 6:00 p.m.

(13) RESOLUTION - DECLARATION OF OFFICIAL INTENT TO REIMBURSE (R09-13): The resolution states the county intends to reimburse itself with the proceeds from the loan for any expenditure incurred prior to the borrowing for the Jackson County Library and SCC Bond Match project.

Motion: *Commissioner Cowan moved to adopt the Resolution. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(14) RESOLUTION – DESIGNATION OF ABC PERMIT OFFICIAL (R09-14):

Motion: *Commissioner Jones moved to designate Sheriff Jimmy Ashe as Jackson County’s official to make recommendations to the North Carolina ABC Commission concerning ABC permit applications. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(15) HISTORIC PRESERVATION COMMISSION ORDINANCE (O09-01):

A public hearing was held on May 18, 2009 at 6:00 p.m. and no objections were made.

Motion: *Commissioner Shelton moved to adopt the ordinance. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

CLOSED SESSION:

Motion: *Chairman McMahan stated there was a need for a closed session pursuant to G. S. 143-318.11(a)(3) Legal (Duke Energy/FERC). Commissioner Shelton moved that the Board go into closed session. Commissioner Jones 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, Chairman McMahan moved to adjourn the meeting. Commissioner Cowan seconded the Motion. Motion carried and the meeting adjourned at 10:45 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman