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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
JUNE 15, 2009**

The Jackson County Board of Commissioners met in a Regular Meeting on June 15, 2009 at 6:30 p.m., 401 Grindstaff Cove Road, Room A201, Sylva, North Carolina.

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

Ken Westmoreland, County Manager
Evelyn B. Baker, Clerk to Board

Absent: W. Paul Holt, Jr., County Attorney

Chairman McMahan called the meeting to order.

AGENDA: Chairman McMahan added Aging Facility Roof. Commissioner Cowan moved to approve the amended Agenda. Commissioner Massie seconded the Motion. Motion carried.

MINUTES: Commissioner Massie moved to approve the Minutes of the two Public Hearings of June 1, 2009, Regular Meeting of June 1, 2009 and reconvened Regular Meeting of June 8, 2009. Commissioner Shelton seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) Marie Leatherwood of Sylva stated the term "audit" referred to in various 2005 EDC reports/correspondence is incorrect and Auditor Crisp report does not state he investigated the EDC.

(b) Jean Miller stated she lives on Bartlett St., Sylva, which is located directly below the Justice & Administration Building. During the May 16, 2009 flash flood, a log jam in the creek caused the run-off water to be diverted and damaged her home. She requested that an ordinance be considered requiring proper storm drains to prevent downhill flooding, especially in residential areas.

(c) Carl Iobst of Cullowhee and JAG Secretary requested the status of the Jackson Paper safety and fire inspection.

(d) John Boaze of Whittier stated he is working with the U. S. Fish & Wildlife Service concerning a fish passage in the Dillsboro Dam and grant requirements. The fish passage would have an overall effect on 228 miles of stream.

(1) COUNTY MANAGER REPORT: Mr. Westmoreland reported that the loan for the new Jackson County Rescue Squad facility was closed last Friday. An agreement has been reached with Dustin Shuler regarding fencing which should be installed shortly.

(2) FINANCE & TAX COLLECTOR REPORTS FOR MAY 2009, BUDGET AMENDMENTS and PROJECT ORDINANCE AMENDMENT:

Darlene Fox, Finance Director, presented financial reports for the month of May, budget amendments and project ordinance amendment.

Motion: *Commissioner Cowan moved to approve the Finance & Tax Collector's Reports for May 2009, budget amendments and project ordinance amendment. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(3) LIBRARY – PROJECT MANAGER:

Motion: *Commissioner Shelton moved to contract with McMillan Smith Architects for additional construction administration/project manager responsibilities for the library project. Commissioner Massie seconded the Motion. Motion carried by a vote of 4 – 1 with Commissioner Cowan voting “no”.*

(4) DENTAL CLINIC: Bill Jacobs, Treasurer of the Free Dental Clinic in Cashiers, stated the clinic is about the treatment of dental disease, not just routine care. The clinic performed 4,500 procedures on 514 patients (233 Jackson County residents) with median household incomes. There are approximately 400 patients on the waiting list. Currently five dentists are volunteering their services one day per week and the clinic would like to expand services and recruit more volunteer dentists. The budget is \$170,000 for operating expenses but the office and equipment are debt free. The clinic is presently supported by organizations in Cashiers and Highlands, individuals, foundations, churches, fund raising events, and contributions from patients. The real impact is on the lives of the patients. There is not a comparable facility in the state, no other clinic does the range, sophistication and quantity of services, and is the only facility west of Asheville that is available for the needy who do not qualify for Medicaid. He stated the clinic would appreciate a consideration for an appropriation in the future.

Mr. Westmoreland stated there is the possibility that East Carolina University Dental School will open a facility in Jackson County for fourth-year students who will offer dental services to indigent patients.

(5) SURPLUS VEHICLES: Darlene Fox, Finance Director, submitted a list of six vehicles and requested the Board to declare the same surplus and authorize the vehicles to be auctioned on e-bay. SCC has requested that the 2004 Ford Crown Victoria be donated for use in its law enforcement training.

Motion: *Commissioner Cowan moved to declare the six vehicles surplus and that an advertisement be placed in the local paper stating they are available for sale on e-bay with the exception that the 2004 Ford Crown Victoria be donated to SCC for law enforcement training. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(6) **CULLOWHEE FIRE DEPT.**: The Cullowhee Fire Dept. requested that the county enter into a long-term lease for the property in Cullowhee where the fire department is currently located so the fire department can apply for a FEMA grant to build a new fire station.

Motion: *Commissioner Massie moved that the county enter into a lease agreement with the Cullowhee Fire Dept., but with the exception that the Cullowhee SRC shall remain on the property until it is moved to another site. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(7) **AGING FACILITY ROOF:** Mr. Westmoreland reported the roof is “wash-boarding” which means it is showing ripples and the specs state that type of appearance is unacceptable. The issue has become more complex and the manufacturer insists that the material meets all manufacturing specifications. The contractor states the installation is proper and the only issue under consideration is looks/aesthetics. If the materials are rejected, there is the potential risk of suspending the project for 4-6 months as new material is manufactured and possibly a lengthy lawsuit. During this period, many peripheral issues could occur, i.e., water damage to the interior of the building since most of the electrical fixtures and drywall are in place. The contractor and manufacturer have proposed to complete the work with the same material, but with a \$25,000 credit for aesthetical deficiencies.

Motion: *Commissioner Jones moved that the county accept the proposal. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(8) **RESOLUTION - SOLID WASTE 3-YEAR UPDATE OF THE 10-YEAR PLAN (R09-16):** A public hearing was held on June 1, 2009 at 6:15 p.m. and no public comments or objections were made.

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

(9) **RESOLUTION – HEAVY EQUIPMENT RENTAL TAX (R09-17):**

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

(10) **FY2009-10 BUDGET ORDINANCE:** A public hearing was held on June 15, 2009 at 6:00 p.m.

(a) **Housekeeping Positions:** Commissioner Massie recommended that because of the present state of the economy, contract labor be used for one year at the Aging Facility before considering adding new personnel. It was the consensus that the budget remains as proposed; however, the county manager will obtain contract estimates to be considered by the Board prior to the opening of the Aging Facility.

(b) **TWSA:** Chairman McMahan recommended that the balance of TWSA’s allocation for the current fiscal year be disbursed for the specific purpose of application to the debt service for the wastewater treatment plant. Further, the county previously agreed to fund up to \$100,000 towards operational costs at the Whittier Plant; however, the Tribe has agreed to share 50-50 in those costs. It was the consensus that a budget amendment be submitted.

(c) **Airport Authority:** It was the consensus that the request be denied.

(d) **Watershed Assoc. of the Tuckasegee River**: It was the consensus that the request be denied.

(e) **Fire Dept. Staff**: It was the consensus that the positions remain in the budget.

(11) SCC BOARD OF TRUSTEES APPOINTMENT:

Motion: *Commissioner Massie moved to appoint Melvin (Pete) Penland as Macon County's appointment to the SCC Board of Trustees. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

(12) NACo 2009 ANNUAL CONFERENCE VOTING DELEGATE:

Motion: *Commissioner Cowan moved to appoint Chairman McMahan as the county's voting delegate at the 2009 NACo Annual Conference. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

(13) HISTORIC PRESERVATION COMMISSION APPOINTMENTS: Carry over.

CLOSED SESSION:

Chairman McMahan stated there was a need for a closed session pursuant to G. S. 143-318.11(a)(5) Real Property (old library driveway; Tuckasegee Mills Bldg) and G. S. 143-318.11(a)(4) Business Expansion (Stonewall Packaging).

Motion: *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.

(14) JACKSON SAVINGS BANK: Chairman McMahan suspended the rules and moved to amend the agenda by adding Right of Way Agreement with Jackson Savings Bank. Commissioner Cowan seconded the motion. Motion carried. The agreement is for joint use of the driveway between Jackson Savings Bank and the current library facility.

Motion: *Commissioner Massie moved to approve the Right of Way Agreement with Jackson Savings Bank as drafted by Attorney Holt. Commissioner Shelton seconded the Motion. Motion carried.*

At 9:45 p.m., Chairman McMahan recessed the meeting until June 24 at 9:00 a.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman

