

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

**MINUTES OF A REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
AUGUST 3, 2009**

The Jackson County Board of Commissioners met in a Regular Meeting on August 3, 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	Evelyn B. Baker, Clerk to Board
Joe Cowan, Commissioner	W. Paul Holt, Jr., County Attorney
William Shelton, Commissioner	
Mark Jones, Commissioner	

Chairman McMahan called the meeting to order.

AGENDA: Commissioner Shelton moved to add a Resolution in Support of Wind Energy Development and Commissioner Massie moved to add Water Resources Board. Commissioner Jones seconded the Motions. Motion carried.

MINUTES: Commissioner Shelton moved to approve the Minutes of the Public Hearing of July 20, 2009 and Regular Meeting of July 20, 2009. Commissioner Jones seconded the Motion. Motion carried.

INFORMAL COMMENTS BY THE PUBLIC:

(a) Marie Leatherwood of Sylva questioned the changing of the EDC by-laws so that the Town of Sylva would have the same number of votes as the county even though the county appropriates the majority of funds to EDC.

(b) Wanda Houston of Dillsboro stated the Dillsboro Dam should remain because it is a great asset to fishermen.

(c) Carl Iobst of Cullowhee stated he strongly disagrees with the county loaning Jackson Paper public monies.

(d) Greg Bryson of Dillsboro stated the picturesque Dillsboro Dam should be saved.

(e) Fred Alexander, Duke Energy employee, stated that in August 1988 Duke's predecessor, Nantahala Power & Light, sold the islands and people have the right to fish around Lake Glenville and other reservoirs where Duke owns property.

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

(a) Region A Annual meeting is scheduled on August 21, 5:45 p.m., Holiday Inn, Cherokee.

(b) The first regular meeting in September will be Tuesday, September 1.

(c) The Balsam Fire Dept.'s annual open house and car show is scheduled on August 8, 12:00 -6:00 pm.

(d) He attended the NaCO meeting in Nashville last week.

(2) COMMISSIONERS REPORTS: Commissioner Massie urged the entire Board to attend the 2009 NCACC annual conference scheduled on August 27-30 in Hickory. Commissioner Shelton stated that no public monies will be loaned to Stonewall Packaging.

(3) COUNTY MANAGER REPORT: Mr. Westmoreland reported:

(a) He has had follow-up meetings with the Buck Knob Homeowners Assoc. as well as with Chief Dillard of the Cashiers-Glenville Fire Dept. Representatives from the Insurance Commission will be visiting the site next week and anticipates a proposal can be drafted that is suitable to the fire department and homeowners at no cost to the taxpayers.

(b) Construction on the Aging Facility is on schedule and should be turned over to the county on August 31. An alternative plan for housekeeping services was previously discussed. He will solicit Requests for Qualifications for housekeeping services. If no outside source is satisfactory, the positions can then be filled with county employees.

(4) BUDGET AMENDMENTS: Darlene Fox, Finance Director, presented one budget amendment for FY2008-09.

Motion: Commissioner Shelton moved to approve the budget amendment. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(5) FINANCING AGREEMENT FOR SOLID WASTE TRANSFER STATION: A public hearing was scheduled for September 1, 2009 at 6:15 p.m.

(6) TOWN OF DILLSBORO: The Town of Dillsboro has requested that the county's 2003 Dodge lift equipped van be reserved for purchase by the town on December 1, 2009.

Motion: Commissioner Massie moved to declare the vehicle surplus and reserved for purchase by the Town of Dillsboro. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(7) HUMAN RESOURCE MANUAL AMENDMENT: Mr. Westmoreland requested that the Human Resources Manual be amended by adding the following:

Article VIII. Employee Benefits.

Section 13. Volunteer Firemen Community Service Leave. Employees in the classified position of Fire District Service Coordinator shall be granted community service leave at such times that they leave their normal county duty shift to fulfill fire suppression, emergency medical, or any other official but non-county prescribed duties specified by their Volunteer Fire Department Chief or supervisor. While on community service leave, benefits and leave will accrue as though on regular county duty. This policy applies only during an employee's normal or scheduled working hours. Under no circumstances does it authorize any extended benefits, compensatory time, or overtime pay."

Mr. Westmoreland was requested to revise or submit a new amendment so the policy will be for all employees.

Motion: Commissioner Massie moved to tentatively adopt the amendment so that fire district service coordinators can be hired, subject to an amendment/revision at a later date. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(8) CASHIERS VALLEY PRESCHOOL: The Cashiers Preschool does not have access to the Cashiers Sewer System and needs to expand its sewer facilities to accommodate additional enrollment. The school requested that the county grant an easement for a new sewer line. The school does not have access to the Cashiers Sewer system. The easement should contain reversionary clauses, i.e., in the event the school's sewer system fails or when sewer capacity becomes available the school is required to tie into the Cashiers Sewer system, and in the event the property should cease to be used for the purposes of a preschool the easement would revert to the county in either event.

Motion: *Commissioner Jones moved to approve an easement with reversionary conditions. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.*

(9) WILKES-CRESCENT EASEMENT – KOOL: Mr. & Mrs. Dean Kool requested an easement along the perimeter of county property located on Wilkes-Crescent Circle even though their property is not land-locked. The Kools would be responsible for all expenses if the easement is granted. Commissioner Massie requested that a price for an easement be negotiated since it is public property. Mr. Westmoreland will ascertain why the Kools cannot access the site over their other properties.

Motion: *Commissioner Shelton moved to authorize staff to draft an easement. Chairman McMahan seconded the Motion. Motion carried by a vote of 4 to 1 with Commissioner Massie voting “no”.*

(10) WATER RESOURCE BOARD: Commissioner Massie stated the county appropriated \$20,000 in the FY2009-10 budget for drought related issues. He recommended that a seven-member Water Resource Board be appointed. He will work with staff to develop a mission statement, responsibilities, guidelines, programs, and outlining what needs to be done to implement the recommendations from the Water Study Task Force.

(11) DEVELOPMENT ORDINANCE for the US 441 GATEWAY DISTRICT (O09-02): A public hearing was held on July 6, 2009.

Chairman McMahan requested the removal of the term “working farm”. Mike Egan, Consultant, stated that “bona-fide farms” are regulated by the state and cannot be regulated by the county and “working farms” is just a reference for a character area. Attorney Holt suggested that “working farm” be defined. Chairman McMahan suggested that the US 441 Gateway Planning Council draft an amendment addressing home-based businesses. Commissioner Massie recommended that the council also draft an amendment addressing non-conforming billboards.

Motion: *Commissioner Shelton moved to adopt the Development Ordinance for the US 441 Gateway District, but with the caveat that the US 441 Gateway Planning Council shall, within 90 days, submit amendments addressing home-based businesses and non-conforming billboards. Commissioner Cowan seconded the Motion. Motion carried by a vote of 4 to 1 with Chairman McMahan voting “no”.*

AGENDA:

Motion: *Commissioner Cowan moved to amend the agenda by adding Fee Schedule for the Development Ordinance for the US 441 Gateway District. Commissioner Jones seconded the Motion. Motion carried.*

(12) FEE SCHEDULE FOR DEVELOPMENT ORDINANCE for the US 441 GATEWAY DISTRICT: Linda Cable, Planning Director, presented the following fee schedule:

Review/Request	Proposed Fee
Change of Use	\$ 50.00
Temporary Use Permit	50.00
Sign Permit	50.00
Site Plan Review (remodeling, addition, expansion of existing bldg).	100.00
Site Plan Review (new bldg)	200.00
Conditional Use Permit:	
Site less than 2 acres	300.00
Site 2 to 5 acres	500.00
Site more than 5 acres	750.00
Variance	100.00
Administrative Appeal	150.00
Text and Map Amendments:	
Less than 2 acres	200.00
2 to 5 acres	300.00
More than 5 acres	500.00

Motion: *Chairman McMahan moved to adopt the fee schedule. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(13) HISTORIC PRESERVATION ORDINANCE RESOLUTION (R09-22):
The Town of Webster adopted a resolution on June 18, 2009 requesting the county to administer Ordinance No. 09-01 Establishing a Historic Preservation Commission within the planning jurisdiction of the Town of Webster.

Motion: *Commissioner Cowan moved to adopt a Resolution for the county to administer the ordinance within the planning jurisdiction of the Town of Webster. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(14) VESS OWEN ROAD – RESOLUTION (R09-23): The property owners on Vess Owen Road, SR1759, requested that the Board adopt a resolution requesting that NCDOT erect “No Parking” signs along the road.

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

(15) WIND ENERGY DEVELOPMENT – RESOLUTION (R09-24):
Commissioner Shelton stated that Senate Bill 1068 should be revised so that it offers equal treatment in all 100 counties.

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

(16) NCACC ANNUAL CONFERENCE VOTING DELEGATE:

Motion: *Commissioner Cowan moved to designate Commissioner Massie as the county's voting delegate at the NCACC Annual Conference. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.*

(17) HISTORIC PRESERVATION COMMISSION: Commissioner Massie nominated Dr. John Bell. Commissioner Shelton nominated Bobbie Henderson. Commissioner Jones nominated Jane Nardy and Cherrie' Ann Moses. Commissioner Cowan nominated George Frizzell and Alvin Frady.

Motion: *Commissioner Shelton moved to appoint John Bell, Bobbie Henderson, Jane Nardy, Cherrie' Ann Moses to 3-year terms; Alvin Frady and George Frizzell to 2-year terms on the Historic Preservation Commission. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

(18) US 441 GATEWAY DISTRICT PLANNING COUNCIL:

Motion: *Commissioner Massie moved to appoint Debby Cowan, John Parker, Jason Lambert, Jerry McAbee, and Calvin Murphy as members; Jim Mills and Bill Gibson as alternates, all to serve 3-year terms on the US 441 Gateway District Planning Council. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

CLOSED SESSION:

Chairman McMahan stated there was a need for a closed session pursuant to G. S. 143-318.11(a)(3) Legal (FERC) and G. S. 143-318.11(a)(5) Real Property (Tuckaseigee Mills & Clearwood Bldgs.).

Motion: *Commissioner Massie 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 except approval of minutes.

There being no further business, Commissioner Shelton moved to adjourn the meeting. Commissioner Jones seconded the Motion. Motion carried and the meeting adjourned at 10:15 p.m.

Attest:

Approved:

Evelyn B. Baker, Clerk to Board

Brian Thomas McMahan, Chairman

