

Posted: \_\_\_\_\_  
Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF A REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
AUGUST 17, 2009**

The Jackson County Board of Commissioners met in a Regular Meeting on August 17, 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  
Mark Jones, Commissioner

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

Absent: William Shelton, Commissioner

Chairman McMahan called the meeting to order.

**AGENDA:** Chairman McMahan added Ratify Rescue Squad Construction Bid and Resolution for Administration of the Historical Preservation Ordinance in the Village of Forest Hills. Commissioner Massie moved to approve the amended Agenda. Commissioner Cowan seconded the Motion. Motion carried.

**MINUTES:** Commissioner Massie moved to approve the Minutes of the Public Hearing and Regular Meeting of August 3, 2009. Commissioner Jones seconded the Motion. Motion carried.

**(1) GREENWAYS MASTER PLAN:** Emily Elders, Recreation Project Manager, presented a Greenways Comprehensive Master Plan dated August 2009. She stated it was prepared with the assistance of the Recreation Dept. and recommended by the Greenway Advisory Committee. The Southwest Commission RPO and NCDOT were invaluable in sharing staff, resources, and planning assistance. During the planning process, the committee received public comments via surveys, public input at workshops, suggestions from municipal boards, citizen letters, and emails. The plan includes a five-year Capital Projects List which was developed to guide the Recreation Dept. in funding, implementing and managing projects while also providing structure and oversight to the larger interconnected system.

Commissioner Massie recommended the following changes to the Master Plan:

- a. Page 40. Delete all references to ongoing legal matters with Duke Energy. Revise the first sentence of the second paragraph as follows: "Jackson County and Duke Energy will continue to work together and with involved agencies to reach lake access goals over the next several years."

- b. Page 64. Add language that reserves rights granted under G. S. 40A. Revise the last sentence of the fifth paragraph as follows: “It is not recommended that any local government make the use of eminent domain a dominant part of their policy on acquisition.”  
Add at end of paragraph: “However, it is recognized that usage of eminent domain may become necessary when all other mentioned strategies fail for certain critical individual tracts and the overall project is threatened. In such cases, uses of eminent domain may be acceptable as a method of last resort and to insure that a greenway project of benefit to the public, as a whole, reaches a reasonable conclusion”.

***Motion:*** *Commissioner Massie moved to adopt the Comprehensive Master Plan with the recommended changes to pages 40 and 64. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.*

**INFORMAL COMMENTS BY THE PUBLIC:**

(a) Marie Leatherwood of Sylva stated that she agreed with Dorothea Megow-Dowling’s, the former Economic Development Director, recommendation that the present EDC Board be dissolved. She stated EDC and JDC misused tax monies in their handling of Q. C. Apparel affairs.

(b) Sam Lupas, Vice Chair of the Cashiers Village Council, stated that the council, with the recommendations of the Mountain Landscape Initiative, implemented a safe walkway for people to move around the village. The Cashiers Community Center needs to be completed.

(c) Carl Iobst of Cullowhee stated that the \$1.3 million tax rebate to Stonewall Packaging should be placed in a trust fund and used for scholarships to deserving Jackson County children, not just Jackson Paper/Stonewall Packaging employees’ children.

(d) Jim McCarthy, JAG Executive Director, stated the Stonewall Packaging incentive agreement should define “Full Time Equivalent Employees”. He stated there is no guarantee in the agreement that Jackson County citizens will be hired nor are benefits explained in detail. He urged the Board to delay action on the agreement pending further review.

(e) Wanda Houston of Sylva stated the Dillsboro Dam should remain so that everyone can continue to enjoy fishing. Duke Energy should just dredge behind the dam and leave it in place. She stated there is no easy accessible place to fish on Lake Glenville.

(f) John Boaze of Whittier, Fish & Wildlife biologist, stated that today the U. S. Fish & Wildlife Commission did a muscle survey downstream from Dillsboro and found quite a few Appalachian Elktoe Muscles in the Wilmont area. Further, small muscles were found in the Whittier area. If sediment is released from the dam, there are plenty of muscles in harm’s way downstream from Dillsboro. He is continuing to work with the U. S. Fish & Wildlife concerning a grant application for a fish passage structure at Dillsboro. A grant application is being considered for a fish passage at the Cullowhee Dam.

**(2) COMMISSIONERS REPORTS:** Commissioner Massie stated he had distributed a U. S. Forest Service report entitled the “Wet Face Project” concerning road closures in the Roy Taylor National Forest. The report includes an environmental assessment and scoping study. The project involves some clear-cutting, 1,000-acre prescriptive burn, timber harvesting, and the road system. There are going to be some permanent road closures as well as some gated closures during hunting seasons. Chairman McMahan stated he has some concerns about emergency services being able to adequately access the area if roads are closed.

Commissioner Jones requested that a regular Commissioners Meeting’ be scheduled in the Cashiers area.

**(3) FINANCE & TAX COLLECTOR'S REPORTS FOR JULY 2009 and BUDGET AMENDMENT:** Darlene Fox, Finance Director, presented finance and tax collector's reports for July 2009 and a FY2008-09 budget amendment. Ad valorem tax bills were mailed on August 14<sup>th</sup>.

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

**(4) SURPLUS VEHICLES:** A request was made that a 1999 Jeep assigned to Building Inspections, a 2001 Chevrolet Van assigned to the Aging Dept. and a 2003 Jeep Liberty assigned to the Health Dept. be declared surplus and sold. The Qualla Fire Dept. requested that the 2003 Jeep Liberty be donated to the fire department.

***Motion:*** Chairman McMahan moved to declare the 1999 Jeep, 2001 Chevrolet Van and 2003 Jeep Liberty surplus and sold with the exception of the 2003 Jeep Liberty which is to be transferred to the Qualla Fire Dept. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

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

***Article VII. Holidays and Leave***

***Section 13. Community Service Leave***

- A. *Employees who are members of a Jackson County Volunteer Fire Department(VFD) or Volunteer Rescue Squad(VRS) shall be granted community service leave at such times that they leave their normal duty shift to respond to official emergency service VFD or VRS calls.*
- B. *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.*

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

**(6) STONEWALL PACKAGING CONTRACT:** A public hearing was held on August 3, 2009 and no public comments were made.

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

**(7) WHITTIER SANITARY DISTRICT AND TWSA:** The Whittier Sanitary District needs an entity to operate and maintain the sewer system pending transfer of title to TWSA. TWSA is willing to serve as the operating entity, but must have guarantees from the Eastern Band of Cherokee Indians and the county for startup operational costs and maintenance of the system. The county and the EBCI agreed they will appropriate up to \$100,000 each per year for up to three years to assist with operational costs. TWSA estimates that no more than \$50,000 will be needed for the upcoming year. The county appropriation would be from the special water/sewer fund. A proposed Agreement & Guarantee was submitted.

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

**(8) EQUALIZATION & REVIEW BOARD:** The Tax Assessor requested that Resolution R03-05 be amended to reflect that the Board of Commissioners shall appoint a five-member board and delete the sentence limiting a maximum number of terms.

***Motion:*** Commissioner Massie moved that the Resolution be amended as requested and submitted for adoption at the next meeting. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(9) RESCUE SQUAD:** Miscellaneous site work for the new Rescue Squad building at the Webster Complex was not included in either the Morton Buildings or Phillips & Jordan contracts. Five informal construction quotes/bids were received. The lowest responsible bidder was Koster Construction, LLC, in the amount of \$47,100. Mr. Westmoreland recommended that Koster Construction, LLC be awarded the bid plus an additional \$940 for performance/payment bonds and \$1,382.98 to Phillips & Jordan for changes for a total of \$50,386.98. He stated that because of the construction delay, the county is just required to pay interest only payments through March of next year which will allow the financial reserve to be used to meet this contractual obligation.

***Motion:*** Commissioner Jones moved to ratify the expenditure of funds for the Rescue Squad building project in the total amount of \$50,386.98. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

**(10) ORDINANCE – CODE OF ORDINANCES:** The county contracted with the Municipal Code Corporation to codify all county ordinances. The code book has been reviewed by department heads regarding their respective specializations and area of coverage. It has also been reviewed by Attorney Holt who has been working with the company in the development of the ordinance. The code book will be updated as new ordinances are adopted.

**(11) HISTORIC PRESERVATION ORDINANCE RESOLUTION (R09-25):**

The Village of Forest Hills adopted a resolution on August 4, 2009 requesting the county to administer Ordinance No. 09-01 Establishing a Historic Preservation Commission within the planning jurisdiction of the Village of Forest Hills.

***Motion:*** *Commissioner Jones moved to adopt a Resolution for the county to administer the ordinance within the planning jurisdiction of the Village of Forest Hills. Chairman McMahan seconded the Motion. Motion carried by unanimous vote.*

**(12) HISTORIC PRESERVATION COMMISSION:**

***Motion:*** *Chairman McMahan moved to appoint Jane Eastman to a 2-year term on the Historic Preservation Commission. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

**(13) WATER RESOURCES BOARD:** Former Water Study Task Force members Rose Bauguess and Mark Lord have agreed to serve on the Water Resources Board if appointed. Commissioner Massie suggested that a 7-member board be appointed and that it initially be assigned to the Health Dept.; however, the county manager will recommend which department should oversee the board.

***Motion:*** *Commissioner Massie moved to create a Water Resources Board comprised of seven members and appoint Rose Bauguess, Mark Lord and Carrie Blaskowski as three members of the board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Cowan moved to adjourn the meeting. Commissioner Jones 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